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

NO. 308

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JULY, 1922

REVIEW OF LABOR LEGISLATION OF 1921.

BY LINDLEY D. CLARK.

INTRODUCTION.

Legislative sessions were held in 1921 in 48 jurisdictions of the United States, besides the meetings of Congress. In 46 there were regular sessions, 4 of these legislatures meeting also in extra session; while in Alabama and Louisiana extra sessions only were held. But little general legislation appears in the extra sessions, but at most of the regular sessions some action was taken affecting the relation or status of employers and employees. The bureau's basic collection of labor laws was compiled for all the States in the year 1913, appearing as Bulletin No. 148. Annual bulletins have been issued since that date, bearing the numbers, 166, 186, 213, 244, 257, 277, and 292. Each bulletin 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. On account of its bulk and special interest the subject of workmen's compensation has been omitted from this series of bulletins, and made the subject of a separate presentation from time to time. The latest bulletin on this subject, Bulletin No. 272, presents the laws with enactments and amendments up to December, 1919. One noticeable effect of the general movement in favor of compensation is a falling off in the enactment of laws relating to employers' liability, though in a few cases action on this subject was taken last year.

The regulation of the employment of women and children continues to be a matter of general interest, a very apparent movement being that of providing for continuation schools for the further education of employed children who have not attained an approved standard of educational training. These are not evening schools, which seemed for a time to be favored, but are to be held during working hours with permitted attendance without the loss of time. A very noticeable bit of legislation is that found in a large number of States, accepting the provisions of the Federal statute with regard to the vocational rehabilitation of injured workers. There was also an unusual number of important changes in the agencies charged with the enforcement and administration of labor laws, the tendency being toward a consolidation of such agencies.

REGULATION OF CONTRACT OF EMPLOYMENT.

In the Army (Act No. 27) and naval (Act No. 35) appropriation acts Congress continued its incorporation of the prohibition of the use of stop watches or other devices for measuring production, and

the use of any bonus or cash reward as a stimulus to output. Rates of wages of civilian employees paid out of the Army appropriation are not to exceed those paid by private employers for like services in the locality where the work is done. This act also contains a provision that material purchased for the Ordnance Department shall be of American manufacture.

Section 2013 of the Civil Code of California prescribed the portion of an employee's time due under his contract of employment; this section was repealed by an act of the legislature of 1921 (ch. 99). In general the regulation of work time for males is not attempted by statute, but an amendment to the constitution of Michigan was adopted (Art. V, sec. 29) authorizing the legislature to enact laws regulating the work time and conditions of labor of men as well as of women and children. The Minnesota Legislature passed a law (ch. 389) making it an offense to collect or receive money from an applicant for a job as a condition of employment.

The subject of alien labor is mentioned in four statutes, one of Arizona (ch. 66) providing for an immigration commissioner to regulate and control the employment of aliens allowed temporary admission into the United States under rules of the United States Immigration Commissioner and otherwise inadmissible. The California law forbidding the employment of aliens in public service adds a proviso making an exception in cases of emergency due to fire, flood, etc., jeopardizing life, health, or property (ch. 366). The Nevada statute (ch. 129) directs a preference in employment on public works for citizens of the United States, requiring aliens who might be employed to give way in case there are applicants from the preferred classes. The fourth law, though not directly a labor law but an act of Congress (No. 5) limiting immigration in general to 3 per cent of the persons of any given nationality resident in the United States in 1910, at least tends to affect the labor supply. There are certain modifications and exceptions to this act.

An unusual provision is found in the highway law of West Virginia (ch. 112) forbidding any county engineer or supervisor to appoint any relative, including sons-in-law and first cousins, as a laborer on the public roads if sufficient labor is otherwise procurable.

A Hawaiian statute (ch. 133) authorizes employers to pay to the tax collector the poll, school, and road taxes of employees and deduct the amounts from their wages, while one of Washington (ch. 174) provides for a poll tax of \$5 and directs the industrial insurance department to turn in a list of employers in the State. Employers are charged with the duty of seeing that the tax is paid for their employees, or of paying it themselves and withholding the amount from the wages. A discriminatory law was attempted in California (ch. 424) requiring each alien male to pay a special tax of \$10 per annum. Failure to make this payment subjected all debts owed by the delinquent to garnishment, and notice to the employer obligated him to hold the same out of his workman's wages after 3 days' notice. This act was declared unconstitutional as denying the equal protection of the laws to all persons within the jurisdiction of the State. (Ex parte Kotta, 200 Pac. 957).

An Arizona law penalizes the hiring of workmen without assets to pay for a specified period. An enforcement provision was added in

1919, while in 1921 (ch. 26) the penalty was fixed at imprisonment in the State penitentiary instead of the county jail. False advertising for labor is penalized by a statute of Utah (ch. 49), making it an offense to order from an employment agency more employees than one desires, or to give a false or unauthorized order. Employees responding to excess orders are to have their traveling expenses paid by the employer.

In several States the matter of selling stock to employees of corporations was considered. In California (ch. 34) stock may be sold either on installments or for cash, or given as a contribution or compensation for services of employees, with the assent of the owners of two-thirds of the stock of the corporation. Quite similar is an act of the Indiana Legislature (ch. 86) which supplements the industrial corporation law of this State, also permitting profit sharing and the use of profits of the corporation for relief measures. The act of Michigan (No. 84) authorizes the issue of industrial stock, in an amount not exceeding 10 per cent of the total, for sale to employees on contract; also the use annually of not more than 10 per cent of the surplus capital, if voted by two-thirds of the stockholders, for the physical, etc., welfare of the employees. The act also makes stockholders liable individually for labor debts. The existing law of New York on the subject of the sale of stock to employees is amended by two acts (chs. 45, 361), the one authorizing unissued stock as well as additional stock to go to employees, granting to employees of subsidiary corporations also the right to purchase. The second act extends the power of the stockholders as to the conditions of issue.

EXAMINATION AND LICENSING OF WORKMEN.

Though the bulk of legislation under this head in 1921 refers to chauffeurs, and adds no provisions of particular interest, other action taken is indicative of the somewhat experimental nature of this type of laws. Thus in Oregon (ch. 2) an act of 1919 creating a board of examiners for automobile mechanics was repealed, while in California (ch. 783), Connecticut (ch. 207), Maine (ch. 161), and Oregon (ch. 45) enactments were made in the newly developed field of aviation. The California law requires operators of aircraft of any kind to submit to an examination and secure a license, though the license of an aeronautic association will be recognized. The age of 19 years is fixed as a minimum, types of craft and classes of licenses are fixed, the examination fee to be not more than \$25, and the license fee \$2. The motor vehicle department of the State administers this law. The Connecticut statute provides for three classes, and fixes the age of 21 as a minimum. The administrative body and fees charged are the same as in California. The Maine statute authorizes the secretary of state to issue a license without fee if he is satisfied as to the applicant's skill in flying; while in Oregon a State board of aeronautics may examine the applicant and issue licenses.

The vocation of barbering has been for a number of years subjected to license legislation, and the laws to be noted under this head are all in the nature of amendments, except in New Jersey (ch. 135) where the act of 1920 on this subject was repealed without enacting new legislation. The Wisconsin statute (ch. 212) provides that a

journeyman's license may be refused to a journeyman barber who does not pass the master's examination on three trials, or who refuses to take the master's examination without sufficient cause. Proprietors and persons in charge of shops must explain the law to student barbers or prospective buyers. The laws of the other States (Michigan, No. 127; Minnesota, ch. 424; Missouri, p. 156; and Utah, ch. 5) embody no point of special interest.

As in the case of barbers, the laws relating to chauffeurs are very generally amendatory. The subject was touched upon by chapter 400, part 3 (B), of the Acts of 1921 of the State of Connecticut, fixing 18 years as the minimum age and \$2 as the fee for examination; public operators must pay an annual license fee of \$5. The Delaware law (ch. 193) provides that a hearing must be granted before a revocation of license. Georgia operators (p. 255) must be 16 years of age and indorsed by three responsible owners of vehicles and employers of chauffeurs. The Hawaiian statute (No. 235) requires applicants to be 15 years of age and physically fit. The fee for examination is \$5 with no added charge for a license, which appears to be perpetual. The same age and maximum fee are fixed by the law of Maine (ch. 211), though the fee for a license only is \$3. Applicants for a license in Louisiana must be 18 years old; the annual license fee is \$5 (No. 120). In Michigan (No. 91) operators other than chauffeurs may be licensed at the age of 14, instead of 16 as formerly; while in New Jersey (ch. 208) 17 years for operators is fixed as a minimum for licenses. In Missouri (p. 76, first extra session) chauffeurs applying for registration must be 18 years of age, and must state their competency. Competency and character must be indorsed by two citizens registered as motor vehicle owners. An annual fee of \$3 is charged for certificates of registration. In New Hampshire (ch. 119) an original charge of \$5 is made for chauffeur's license and examination, and \$2 for subsequent licenses; the minimum age is 18 years. In Oregon (ch. 371), New York (ch. 580), Porto Rico (No. 55), Rhode Island (ch. 2088), Washington (ch. 108), and West Virginia (ch. 112) amendatory acts were passed making various changes in existing laws. The age limit in West Virginia (14 years) contrasts decidedly with that in Washington, where no regular license to operate a vehicle for hire may be issued to a person under the age of 21. The fee in West Virginia is \$3 annually for a chauffeur, while an operator's license is issued for \$1 and is good until revoked.

Other laws under this head include that of Massachusetts (ch. 221) fixing an examination fee of \$25 for certificate A and \$5 for certificate for journeyman electricians; a Nevada law (ch. 213) providing for the licensing of hoisting engineers by an examining board; and the California (ch. 612) and Missouri (p. 558) statutes relating to plumbers. The law of California apparently devolves the issue of certificates, etc., upon county boards of health instead of the State board of health, while the Missouri law provides for boards of examiners in counties having more than 80,000 and less than 200,000 inhabitants.

WAGES.

The rates of wages, usually fixed by agreement, are regulated in some States for women and children by minimum wage commissions. Amendments were enacted to some of these laws, the Arkansas Legis-

lature adding two men to the industrial welfare commission created by the act of 1915. The commission will now consist of two men and two women, one each representing employers and employees respectively (No. 140). In California (ch. 279) amendments relate to procedure, notices of hearings and orders being required to be sent to all associations of employers and employees regardless of the number of members, also to all employers who register their names for that purpose. Appeals for rehearing suspend an order or rule only as to the party making the application, and for not over 10 days unless the commission orders otherwise. In Kansas (ch. 263) and Minnesota (ch. 84) the separate minimum wage bodies are abolished, their powers being transferred to other agencies—in Kansas to the court of industrial relations and in Minnesota to the industrial commission of the State. The Texas Legislature proposed the enactment of a new law, and as a step thereto repealed the existing statute (ch. 118). The veto by the governor of the proposed new measure leaves the State without a minimum wage law.

An act of the California Legislature (ch. 901) forbids employers to deduct wages for tardiness in excess of a proportionate amount, except that the wage for 30 minutes may be used as a minimum deduction though the tardiness is less. A Nebraska law (ch. 267), limited to highway labor, authorizes the county board of each county to fix a rate of pay for laborers hired either regularly or under an emergency call.

The medium of payment is considered in an amendment of the New York labor law (ch. 642), permitting responsible employers to pay wages by check instead of by cash.

The weekly payment law of Massachusetts is made to apply to transportation companies in addition to those previously named (ch. 51). The New Hampshire weekly payment law, formerly applicable only to corporations, now applies to persons and firms as well (ch. 68). Wisconsin requires a semimonthly pay day, the days named being the 15th and last of each month; if these days fall on Sunday or a holiday, payment must be made on the preceding business day if over 8 days' wages are due (ch. 460). Payment of wages to State employees is the subject of laws of Illinois (p. 463) and Minnesota (ch. 379), semimonthly pay days being prescribed, with exceptions as to certain classes of employees.

The law of Connecticut relative to the payment of sums in bank, etc., due deceased persons was amended (ch. 119) to include wages not in excess of \$300, payments being made to the next of kin, if any, or to a creditor undertaker or doctor if no next of kin—this in the absence of a will. A Montana statute (ch. 66) amends the law penalizing employers who fail to pay in full any wages due discharged employees, a tender of the amount barring the penalty.

A law of New Mexico (ch. 10) forbids employers or representatives of employers to use constraint to induce any employee to trade with a specified dealer, the penalty being fine or imprisonment.

The law of North Dakota as to garnishment of wages (ch. 72) exempts \$15 weekly to resident heads of families.

The Iowa statute relative to the assignment of wages was amended (ch. 35), the present law being of the standard type and applicable to loans up to \$300 bearing more than 8 per cent interest. Brokers

must pay a fee of \$100 annually and give \$1,000 bond. Interest may not exceed $3\frac{1}{2}$ per cent per month, nor may the borrower assign more than 10 per cent of his wages; spouses are to join in the assignment where the borrower is a married person.

The Iowa law exempting wages from execution is amended (ch. 149) so as to retain the liability of the laborer for alimony and for the support of minor children. The wages of employees of counties and municipalities in Tennessee are now subject to garnishment on the same conditions as are those of private employees in the State (ch. 29).

Laws of New York give a preference to wages over other debts in cases of receiverships of corporations (ch. 22) or of partnerships (ch. 23).

The Colorado statute (secs. 5406-5408, R. S. 1908) providing for the protection of the wages of employees on public works was repealed (ch. 195) without other enactment. In Hawaii (No. 55) contractors with counties or with cities and counties are added to the list of those who must furnish bonds for the protection of the wages of their employees. The Oregon law on this subject was amended (ch. 342), authorizing any person supplying labor or material to sue the contractor or his sureties on his own relation but in the name of the State. Laws of Washington (ch. 166) and Wyoming (ch. 151) give laborers a lien on a percentage of the contract price, to be retained by the agent of the municipality until wages, etc., are adjusted, in the one case; while in the other, the commission or other agency in charge must advertise the completion of the work, so that claimants may present their demands.

Numerous amendments were made to the mechanics' lien laws, partly in regard to procedure, but chiefly by adding new subjects; thus in Alaska (ch. 38) oil and gas wells and other wells, and pipe lines, etc., are subjected to a lien similar to miners' liens. The law of this territory relative to loggers' liens was also rewritten throughout (ch. 6). The Florida statute (sec. 3505, R. G. S.) was amended so as to be of general application to persons performing labor or rendering service to any other person, firm, or corporation in regard to personal property (ch. 8474). A Hawaiian law (No. 131) provides mechanics' liens for making, altering, or repairing any article of personal property. The Illinois Legislature passed a general law on the subject (p. 508) covering the rendition of services in connection with chattels at the request of the owner or lawful possessor. Similar action was taken in Indiana (ch. 56), though as an amendment to an earlier law; another act (ch. 144) gives a lien to draymen for packing and hauling goods. The time of limitation on liens in Iowa is extended (ch. 27) from 30 to 60 days. The clearing and first breaking of land subjects property to a lien under an amendment of the Minnesota law (ch. 229); methods of foreclosure were also amended (ch. 521). Procedure was the sole subject of amendments to the Montana law (chs. 117, 127), such amendments setting forth the effect of recording and allowing 2 years instead of 12 months as a period of limitations on actions.

Jewelers doing repair work on articles not paid for are given a lien thereon in Nebraska (ch. 175), while in New Hampshire (ch. 7) wells are added to the subject matter set forth in section 10 of

chapter 141, Public Statutes. The time of filing a claim of lien is extended in New Mexico (ch. 108), original contractors having 120 days instead of 90, as before, and other claimants 90 days instead of 60 after the completion of the work. Threshers are given the benefits of a lien law under an Oklahoma statute (ch. 65), while in Wisconsin (ch. 289) work on public improvements entitles to a lien on any money, warrants, etc., due the contractor.

The Louisiana Legislature provided (No. 13) for a "building contracts commission" of five persons to investigate the laws and provisions of codes as to building contracts, contractors' bonds, mechanics' liens, etc., and to report to the regular session of 1922.

HOURS OF LABOR.

The hours of labor of drug clerks are reduced in California (ch. 765) from 10 per day and 60 per week to 9 per day and 54 per week. A resolution of the Legislature of Porto Rico (Joint Res. No. 35) extends the 8-hour law of the island to telegraph and telephone operators in offices belonging to the bureau of insular telegraph. The Minnesota statute relative to the hours of labor on public works is amended (ch. 388) by exempting road work. In its amended form the statute does not mention agricultural work, exempted in the earlier law. The Texas statute prescribing the 8-hour day for labor on public works was amended (ch. 121) by making 8 hours a basic day, but not limiting labor to that period.

The administrative code of Ohio (p. 105) prescribes 8 hours' daily work for State employees, allowing 14 days' leave of absence annually.

HOLIDAYS AND REST DAYS.

The Sunday labor law of Georgia was amended (p. 120) by adding a proviso permitting through freight trains to pick up and discharge carload lots within the State; also the operation of mixed trains handling carload freight on railroads less than 100 miles in length. Amendments were also made to the law of Idaho (ch. 260) adding garages, automobile service stations, the shipping of ice cream, bakery goods, and dairy and perishable farm products to the exemptions under the law. The Vermont statute was amended (No. 215), forbidding any secular business except works of necessity or charity, fixing the penalty at not more than \$50 for each offense instead of \$2.

The New York labor law prescribes a weekly day of rest, certain employments being excepted. To this list was added (ch. 671) employees in hotels.

A quite general recognition was made in 1921 of the movement already begun in favor of making November 11, "Armistice Day" or "Victory Day," a legal holiday. Such action was taken in Arizona (ch. 92), California (ch. 350), Illinois (p. 584), Iowa (ch. 62), Louisiana (No. 6), Minnesota (ch. 15), Missouri (p. 400), Montana (ch. 21), Nebraska (ch. 186), New Jersey (ch. 193), North Dakota (ch. 74), Oregon (ch. 41), Pennsylvania (No. 42), Rhode Island (ch. 2099), South Dakota (ch. 253), Texas (ch. 48), and Vermont (No. 1). Like observance was made in Tennessee of General Forrest's birthday, July 13 (ch. 73). The days when municipal elections

are held in cities of the first class are made legal holidays in Wisconsin (ch. 249).

The Hawaiian statute granting leave of absence to public employees was amended (No. 201) by allowing 3 weeks per year instead of 2, and permitting the accumulation of 6 weeks' leave to be taken at one time. The provision as to leaves of absence in the Ohio civil service was noted under the preceding heading.

HYGIENE AND SAFETY.

FACTORIES.

Flexibility is evidently the aim of an amendment to the Massachusetts law (ch. 50) which eliminates specifications relative to the construction of factories, prescribing that it must be such as is approved by the department of labor and industries. Of general effect also is a new section added to the Wisconsin statutes (ch. 262) requiring that machines, boilers, etc., installed or used within the State must fully comply with the laws and with the orders of the industrial commission. The investigation of the effect of employment conditions on health, the inspection of industries, and the regulation of the sanitary conditions of factories, etc., is devolved upon the State department of public welfare of New Mexico (ch. 145). An additional factory inspector is provided for in Tennessee (ch. 155).

A Montana statute (ch. 98) amends a prior law relating to fire escapes, adding the requirement that there must be an unobstructed passage to and from the interior of the building, and striking out the maximum limit for fines for violations. The State fire marshal of Oregon inspects fire escapes and oversees the adequacy of the means of exit from factories, etc. (ch. 169). In Pennsylvania (No. 107) certain installations are to be furnished on order of the commissioner of labor and industry, instead of the duty imposed being as a general requirement. Another law of this State (No. 237) directs that if factory buildings are used after dark, ways of egress must have an independent emergency electric lighting circuit.

Two acts of the California Legislature relate to elevators, one (ch. 115) requiring passenger elevators to have seats for the operators; while the other (ch. 330) relates to inspection. Only annual inspections are now required for all classes of elevators, the fee of \$3.50 being payable only once unless a second inspection is occasioned by failure to comply with safety orders, when one additional fee may be charged. Hearing is prescribed before an operator's certificate can be revoked.

A Minnesota law (ch. 113) directs that goggles, helmets, or other safety devices be furnished by employers where there is danger to the eyes of workmen from flying objects or the splashing of hot substances or chemicals. A law of Massachusetts requires first-aid supplies to be kept at certain places; "mechanical establishments" are added to the list by current legislation (ch. 53).

The equipment of sanitary conveniences for employees is the subject of a few laws, one of California (ch. 897) requiring such provision for employees in moving-picture operating rooms. The Connecticut law (ch. 266), superseding an earlier statute, applies to manufactur-

ing, mechanical, and mercantile establishments, the owner to supply toilet equipment, and the occupant to maintain it.

Transportation establishments are added to the list where such conveniences must be provided in Delaware (ch. 187). The duty devolves upon the owner to make necessary alterations and additions, if they are to become fixtures.

The sanitation of foundries is the subject of a California law (ch. 244) directing the installation of washbowls, sinks, etc., with running water and the ventilation of the rooms and their protection from dust and fumes, as far as practicable. Wash rooms provided for by an Illinois statute of 1913 (p. 359) must now be equipped with a "sufficient number of showers for the use of the employees who regularly use" such rooms (p. 445).

Bakeries and the manufacture of food products generally are subjects of legislation aimed chiefly at the protection of the public health. This involves the installation of sanitary conveniences and adequate ventilation beneficial to employees, and also a restriction on the employment of diseased persons. Laws of this type were passed in California (ch. 701), Idaho (ch. 223), North Carolina (ch. 173), Ohio (p. 604), South Dakota (ch. 242), and Texas (ch. 63). An earlier law of Pennsylvania in this field was amended (No. 169) by requiring every employee in the places designated to have a doctor's certificate of health, valid for 6 months; while in Texas (ch. 66) employees in hotels, restaurants, etc., must be physically examined before entrance upon and for continuation in service in certain positions. Like reasons inspired the enactment of another law in the last-named State (ch. 79), regulating employment in barber shops and beauty parlors.

In Connecticut, work in laundries is subject to regulation (ch. 227), laundry work of a public laundry being prohibited in any room used as a sleeping or living room; while the employment of persons suffering from tubercular, venereal, or similar diseases is forbidden. Manufacturing in tenements may be conducted in Wisconsin only in premises for which licenses have been issued, registry and identification labels being required (ch. 259).

The law of 1913 of the State of California relative to the sanitation of labor camps is made more definite and comprehensive with regard to sleeping places, eating places, and enforcement provisions (ch. 767). The Legislature of Porto Rico passed a law (No. 86) on the same subject, requiring employers to fulfill certain duties affecting the health and welfare of their employees and regulating the housing of laborers under contract.

MINES.

The Territorial Legislature of Alaska enacted a code of mining laws for coal mines (ch. 14), establishing rules for accident reports, standards of safety, ventilation, lighting, use of explosives, supply of timber, etc. This statute applies to coal mines exclusively, and provides that the mine law of 1917 (ch. 51) shall not apply to coal mines. Under the requirements of an Arizona law (ch. 73), in mining operations of any character in which six or more employees are engaged, coming under the jurisdiction of the State mine inspector, the fact of beginning or suspending work must be notified to the in-

spector within 10 days. In Arkansas the provision as to maps was amended (No. 100) so as to make the requirement absolute for all mines regardless of the number of employees (was 10 or more), and without waiting for an order from the inspector. Amendments to the Colorado statute include directions as to the type of tamping bar, notice of accidents, which are to be in writing—by telephone or telegraph if fatal—and an authorization to the commissioner of mines to make binding regulations (ch. 177).

Various items are touched upon in amendments and enactments by the Illinois Legislature. One act (p. 512) requires that a boiler to be washed, repaired, etc., be isolated during such work if it is one of a connected series; at least 1 foot of fuse must protrude when a shot is prepared for blasting; and gaseous places must be examined not more than 6 hours before work begins instead of 8 hours. A second act (p. 568) requires electric transformers of alternating currents underground to be in fireproof rooms, and directs that wires passing through curtains of inflammable material be protected from igniting the same; guards must be provided at crossings to protect men and animals from contact with the wires. A third act (p. 568) requires shot firers to be citizens of the United States, able to speak and understand the English language. The Indiana law is amended (ch. 154) by more specific directions as to the inspector's duty when gas is discovered, also adding penalties for violations of the act. Another statute (ch. 279) embodies requirements applicable where 10 or more men are employed at a mine, with reference to ventilation, safety provisions for gaseous mines, the placing and maintenance of trolley wires, and regulates haulage, the storage of explosives, the installation of dressing and bath rooms, and the examination of certain employees. A record is required of the men entering and leaving the mines. The storage of powder is the subject of an amendment to the Utah law (ch. 80), permission being required from the industrial commission for the storage of high explosives in any shaft house, adit, etc., for more than 24 hours.

An addition to the Ohio mining code (p. 48) requires telephone systems to be established in mines where there are 20 or more employees. Added equipment for administering first aid is required by a Montana statute (ch. 185), the act directing that an ambulance shall be furnished at any mine where 500 men are employed, or where a group of mines employing less than 500 men at each mine lies within a radius of 6 miles.

A Tennessee statute (ch. 24) directs the installation of wash rooms of a prescribed standard equipment and maintenance at coal mines employing 50 or more persons. The chief mine inspector may order separate washhouses for whites and blacks. The Ohio statute on the installation of wash rooms was amended (p. 22) by requiring such installation only if there were as many as 10 employees instead of 5 as formerly; a penalty for noncompliance is added.

A considerable number of acts relate only to the appointment, qualifications, etc., of mine inspectors. Thus one of Alaska (ch. 44) authorizes the governor to appoint a man of both theoretical and practical qualifications as a coal mine inspector. Colorado (ch. 66) requires certificates of mine examiners, etc., to be posted in the office, permits the employment in Colorado mines of certified officials

of adjoining States, and authorizes a local investigator to inquire into fatal accidents, instead of requiring a State inspector or a deputy to go to a remote locality. In Illinois (p. 525) a new office of inspector for mines other than coal is created, and a code containing the usual provisions as to safety, employment of minors, etc., is enacted.

Five additional inspectors for coal mines are authorized under an Ohio law (p. 20), and the number of inspection districts in West Virginia is advanced (ch. 118) from 19 to 22. A State board of examiners for inspectors of anthracite mines is to have charge of the work in Pennsylvania (No. 290) instead of county boards; but holders of certificates under the earlier law are eligible to appointment if they have had 4 years' experience. Also, in Montana (ch. 160) and Wyoming (ch. 38) amendments were made with reference to provisions for examining applicants for the position of mine inspectors; while in Minnesota (ch. 7) and Pennsylvania (No. 52) salaries of the State mine inspectors were advanced, in the first case from \$2,000 to \$3,600, and in the second from \$3,600 to \$4,800. In South Dakota (ch. 286) an oversight in the code was rectified by authorizing the payment of the hotel and traveling expenses of the State mine inspector.

An act of the Illinois Legislature (p. 39) provides for the organization of a commission to investigate and report on a revised code of mining laws. This consists of three owners, three miners, and three representatives of the public. Reports are to indicate recommendations which are unanimously agreed upon, though other recommendations may be submitted together with the reasons therefor. Only the expenses of owner and miner representatives are to be paid, while public representatives receive also \$10 per diem.

RAILROADS.

The Iowa statute relative to the construction of caboose cars was amended (ch. 195) by making the law apply also to other cars used for like purposes. The operation of the New York law prescribing the construction of "coal jimmies" and caboose cars was further delayed to July 1, 1922 (ch. 179), and that of North Dakota to January 1, 1924 (ch. 100).

Laws of California (chs. 900, 902), Michigan (No. 139), and North Dakota (ch. 102) have regard to the safety and comfort of engineers and firemen, the California laws requiring handrails and footboards in certain cases, and that on certain types of tenders, unless there is a clearance between the roof of the engine and the cab as great as 28 inches, there shall be a cut in the roof of the cab at least 24 inches square. The Michigan law requires cab curtains or a vestibuled cab; while that of North Dakota requires curtains inclosing the opening between the tender and the engine. An act of West Virginia (ch. 150) makes general requirements as to safety appliances and devices, and gives the public-service commission authority to prescribe what are suitable crews for the safe handling of trains. A similar provision with regard to crews is embodied in a Pennsylvania statute (No. 184), the act repealing a law fixing specific numbers. Acts prescribing numbers are also repealed in Indiana (chs. 81, 82), without, however, making any substitute provision; while in New York (ch.

290) the law as to crews is amended by requiring a baggageman only if a train is actually carrying baggage, and not if it merely carries a baggage car or compartment.

Dangers to brakemen on top of freight cars led to the enactment of laws of Michigan (No. 288) and Tennessee (ch. 171) relative to the height of wires crossing railroad tracks. In Michigan the public utilities commission is authorized to investigate and order needed changes; 22 feet is fixed as the minimum height over railroad or street railway tracks. The Tennessee statute prescribes no standard, but gives the railroad and public utilities commission authority to prescribe regulations on the subject.

The matter of shelter for employees on railroad tracks is considered in but one statute (Minn., ch. 481), this being an amendment to the existing law relative to doors of car sheds, cupolas in roofs, etc., as to which the railroad and warehouse commission is authorized to allow variations.

The provision of first-aid supplies is the subject of laws of California (ch. 396) and Montana (ch. 45), the first requiring each train or light steam engine to carry a kit containing at least six packages of supplies, the use in each case to be reported. The Montana law is merely a recasting of an act of 1909 without essential change in effect.

A penal law of Ohio (p. 143) makes it unlawful for anyone to tamper with or injure safety appliances, signal appliances or apparatus, or telephone or telegraph devices, in such a way as to cause danger to life or property in the operation of any engine or car.

A novel statute, of economic effect only, is one enacted by the Montana Legislature (ch. 159) directing that railroads shall reimburse employees for losses in value of residence property due to the removal by the company of division points from one place to another, unless due notice is given.

The equipment of street and interurban railways is the subject of an Ohio enactment (p. 142) directing that air or electric power brakes shall be furnished in addition to hand brakes to be under the control of the motorman, this provision to be operative after January 1, 1924. The law amended by this enactment contained a special penalty for noncompliance, which is omitted in the present law. General safety is also the motive of an enactment by the Wisconsin Legislature (ch. 193), which directs that street railway cars shall be equipped with a window cleaner for the purpose of removing snow and water so that the motorman can see the track ahead.

EMPLOYEES ON BUILDINGS.

The California Legislature furnished four enactments falling under this head. Two of these acts (chs. 55, 333) relate to scaffolds, the latter modifying a substantive provision by striking out the expression as to withstanding "any sudden strain," and authorizing the industrial accident commission to issue supplemental orders and enforce them and the act. The law applies to scaffolds 10 feet above the ground instead of 20, as before, and requires a safety rail of a height of 42 inches instead of 34 inches. The first statute relates to enforcement provisions, strengthening them, and authorizing inspectors of the industrial accident commission to act. The third statute (ch. 332) relates to elevators, authorizing the industrial accident

commission to make safety orders, including requirements as to a signal system; while the fourth (ch. 334) amends the statute requiring installation of temporary floors in various details as to construction and the distance of such floors from the working place of building workers. A law of North Dakota (ch. 42) prescribes the safe construction, maintenance, etc., of scaffolds, hoists, cranes, ladders, etc., and directs the laying of counterfloors as soon as the joists are in place.

CHILDREN AND WOMEN.

No subject exceeds in number the legislative acts affecting it, though nearly every State has laws regulating more or less fully the employment of women and children. Naturally many of the laws are amendatory, though added provisions occur. In Connecticut (ch. 212) bowling alleys and shoe-shine parlors are added to the list of places in which children under 14 years of age may not be employed. Another act (ch. 272) classes these places with mercantile establishments as subjects of legislation as to the employment of children. This act also makes the requirement for an employment certificate the equivalent of the completion of six grades of school work.

In Delaware the school code of the State was reenacted (ch. 160), one of its provisions being a designation of the proper authority to issue employment certificates. An Illinois law as to the employment of children was revised (p. 435), making, however, comparatively few changes from existing statutes. One important change is the requirement of 6 years' schooling instead of 5 for an employment certificate, and an attendance at school for 130 days between the fourteenth and fifteenth birthdays instead of the thirteenth and fourteenth as formerly; wood shapers are added to the list of machinery at which children under 16 years of age may not work. In Iowa (ch. 180) the prohibition of the employment of children at dangerous machinery is not to be construed as affecting school instruction in manual training. An amending act of Massachusetts (ch. 341) adds bowling alleys, pool and billiard rooms, bootblack stands, barber shops, building work, and employment with express or transportation companies to the list of occupations in which minors from 16 to 21 years of age must have educational certificates. Another act (ch. 351) requires an employment certificate for children between 14 and 16 years of age, requiring also a special certificate for children employed at farm work.

A Missouri statute (p. 184) revises the law with reference to the employment of children in dangerous occupations. No child may be employed under 14 years of age, or without a certificate under 16 years of age. Work in excess of 48 hours per week or before 7 a. m. and after 7 p. m. is forbidden to children under 16 years of age. The act does not apply to agricultural and domestic service. In New Mexico likewise (ch. 150) the employment of children under 14 years of age is restricted, and the employment of minors under 16 may not exceed 48 hours per week or take place between 9 p. m. and 6 a. m.

Enacting no law on the subject, but looking toward a general revision and codification, the Legislature of North Dakota (ch. 29) created a children's code commission to make investigations and rec-

ommendations. Extensive changes in the school and work law of Ohio (p. 376) relate to the establishment of part-time schools for employed children up to 18 years of age, call for age and schooling certificates for all up to 18, except those in irregular service, fix a minimum age of 16 for both sexes and the completion of school work up to the seventh grade as conditions of issue of work certificates, the issue of which is regulated in detail, and provide exceptions by way of "limited," "conditional," or "retarded" permits and "special" permits for employment outside of school hours. "Over-age" certificates are also available for apparently doubtful cases. The list of forbidden occupations is revised and extended and enforcement provisions amended. A Porto Rico law (No. 75) fixes 14 years as the minimum age for employment, but with certain exceptions, and requires an employment certificate for children under 16.

The Rhode Island statute on the subject of the employment of children is relaxed in some degree by an act (ch. 2027) permitting the issue of a special permit to work to children of subnormal mental capacity, but physically competent, who are more than 14 years of age and are unable to write and read simple sentences. The law of Tennessee is amended (ch. 43), chiefly by way of prescribing the proof of age in connection with the issue of employment certificates. The same subject is considered in a Wisconsin enactment (ch. 185), providing a method of establishing the age of a child who claims to be over 17 years of age but is unable to furnish documentary proof.

Domestic service is the subject of another act of the Wisconsin Legislature (ch. 395), authorizing vacation employment of children in domestic service in the home of the employer without permit, also employment during the school term for children from 14 to 17, employment to be outside of school hours, and the children in actual full attendance. Another law (ch. 323) fixes the educational standard for work permits at the completion of the eighth grade of the public schools, or 9 years of attendance, the kindergarten not to be counted. Another important amendment (ch. 513) relates to attendance at vocational schools, which is to be half time until the age of 16 is reached, and 8 hours per week until 18 unless the minor has completed 4 years of school work beyond the eight elementary grades. The legislature also enacted a codification of the laws governing the employment of children (ch. 434), bringing together the numerous amendments of recent years in this field, but without itself making substantive change.

School attendance laws of children are not in themselves labor legislation, but their effect on the employment of children is so direct that certain features are noted here. Thus in Arizona (ch. 134) the board of education is authorized to make and enforce rules relative to compulsory school attendance and child labor. Another act (ch. 143) requires attendance from the eighth to the sixteenth year, permits for work being required under the age of 16, showing an excuse from school for one of the reasons named in the law. This act enlarges the penalty for violation by either parent or employer. A California statute (ch. 885) amends the law of 1919 as to the employment of children of various ages and attainments, and regulates the employment of those whose labor is necessary for support. Part-time classes and vocational courses are provided for, the law also

regulating the issue of vacation permits, permits to employers, etc. In Idaho (ch. 215) children must attend school between the ages of 8 and 18 unless a child 15 years of age or above is required to work for his own or his parents' support.

The Indiana law on employment certificates was amended (ch. 132), a certificate being required up to 18 years of age, though a child may leave school at 14 if he meets the conditions for the work certificate. Physical capacity may be tested by an examination. The eight-hour day applies to boys from 14 to 16 and to girls from 14 to 18. The act also revises the list of employments prohibited to children under designated ages. The age of compulsory school attendance is advanced in Montana (ch. 75) from 14 to 16 years, though if over 14 and the eighth grade has been completed, or if the wages are necessary for the support of the family, employment may be permitted. The law of Nebraska (ch. 53) contains similar provisions, adding the requirement that where children under 16 are thus employed they shall attend part-time schools, if available. Conditions of employment up to 18 years of age are considered by a Nevada law (ch. 157), which excuses from school attendance for various reasons, one being that the child is 14 years of age or above, and its earnings are necessary for support.

A school code enacted by the New Hampshire Legislature (ch. 85) contains a provision as to the appointment of officers by the board of education to enforce laws relative to school attendance and the employment of minors, giving authority over minors up to 21 years if employed illegally. Attendance of minors from 16 to 21 years of age is required if they are not able to speak the English language, and employers are forbidden to employ such minors without a proper certificate. An exception in the law relates to timber and wood-pulp workers. The issue of employment certificates is transferred by a New York statute (ch. 386) from the local health authorities to local school officers, and various sections of the law are amended accordingly.

Children who have completed the sixth grade are exempted from compulsory school attendance in Pennsylvania (No. 373), also if over 14 years of age and employed at farm or domestic work by private employers on permit. The compulsory school-attendance law of South Carolina (No. 430) applies to children between 8 and 14 years of age, requiring 4 months' attendance per year. A child above 12 years of age with a widowed mother or crippled father may be excused. A significant statute is one enacted by the West Virginia Legislature (ch. 145) which forbids the managers of industrial homes in which children are inmates to place children in employment without the permits required by law for minors of the age involved. The Minnesota Legislature meets the problem of the dependent child in a different way from a number of the States noted, authorizing (ch. 429) aid to be given from the poor fund to enable the children of compulsory school age to attend school in cases where their labor is a necessary factor in the family support.

The hours of labor are the subject of special enactments in Connecticut, one (ch. 188) fixing 8 hours per day for 6 days per week as a maximum for children up to 16 years of age instead of 10 hours per day and 55 per week as formerly, and forbidding work between

6 p. m. and 6 a. m. instead of merely after 6 p. m. A second act (ch. 220) relating to night work by women and children classes bowling alleys with mercantile establishments for purposes of regulation. Hours per day and week for children under 16 are fixed by a Hawaiian statute (No. 187) at 8 and 48, but the provision as to night work forbids employment only between 9 p. m. and 5 a. m. The 9-hour law of Massachusetts relative to women and children is extended (ch. 280) to cover employment in laundries, hotels, manicuring or hairdressing establishments, motion-picture theaters, as elevator operators, or as switchboard operators in private exchanges.

As noted in the opening statement, considerable attention was paid last year to the provision of continuation schools for employed children. In Connecticut (ch. 259) an act of 1919 relative to the maintenance of evening schools is repealed, and employed children from 14 to 16 years of age must attend continuation schools, where maintained, until the completion of the eighth grade of work. Attendance must be permitted for 4 hours per week between 8 a. m. and 5 p. m., school attendance to count as work time. A law of quite similar terms was enacted in Delaware (ch. 162), part-time schools to be maintained in general, civic, or vocational subjects if there are 15 children between 12 and 16 years of age holding employment certificates in the school district. The same numerical standard is required in a Florida law (ch. 8550), attendance being required if the board of public instruction finds within 3 miles of school the required number of children exempt from school attendance physically and mentally fit for attendance and not yet through the eighth grade.

In Illinois there is a weakening of the act of 1919, the establishment of part-time and continuation schools or classes being made permissive instead of compulsory (p. 815). However, employers are to permit attendance up to 18 years of age instead of 16. Educational training in other than public schools must be equivalent to public-school training if acceptable as excusing attendance.

Provisions similar to the foregoing are found in Indiana (ch. 173) for children up to 16, and after September, 1921, up to 17 or 18 years of age as the board may determine; Montana (ch. 242), for children up to 18 years of age; Nebraska (ch. 54), for children up to 16 years of age, the statute accepting the Federal and State funds available for the promotion of vocational education; Nevada (ch. 177), which excepts attendance after the eighth grade is completed, or if employment would be lost by school attendance or where the young person is bound by apprenticeship; and West Virginia (ch. 4), though no school need be established unless 50 or more children are eligible to attend.

The Michigan law of 1919 on this subject is relaxed by an act of the first extra session (No. 15) requiring attendance only to 17 instead of 18 years of age as formerly, calling for but two years of high-school training instead of four, excusing the child from attendance if his labor is needed for support, and permitting 4 of the 8 hours' weekly instruction to be given "under working conditions" by approved supervised instruction. In Nevada (ch. 199) the provision for evening schools is retained besides that for the day continuation schools, the evening schools to be open to "native and foreign born youths and adults."

Related to the subject of continuation schools is that of vocational education, though legislation on this subject can hardly in itself be regarded as labor legislation. The States generally had accepted the provisions of the Federal statute looking toward cooperation in this field. Legislation in 1921 was entirely amendatory or supplemental, laws of this type being enacted in Connecticut (ch. 281), Delaware (ch. 160), Iowa (ch. 296), Nebraska (ch. 75), Nevada (ch. 224), New Hampshire (ch. 85), and Ohio (p. 122).

The specific subject of street employments was touched upon in a law of Massachusetts (ch. 410) which permits a boy over 12 years of age to serve a newspaper route, but not during school hours if under 14, nor before 6 a. m. nor after 8 p. m.; no badge is required for this service. In Minnesota (ch. 318) permits are required for peddling, bootblackening, paper selling, etc. Boys under 16 and girls under 18 are not to engage in these employments except that boys from 14 to 16 may have permits to sell between 5 a. m. and 8 p. m. and boys over 12, if physically fit, for time outside of school hours. A New York statute (ch. 21) codifies the provisions for the employment of children in street trades under the education law, instead of under the labor law as formerly.

The laws of Wisconsin are of rather indirect effect, one (ch. 340) forbidding the publication of advertisements for the employment of children where they could not be lawfully employed, and requiring the minimum age to be stated in cases where a labor permit is required; while the other (ch. 457) permits an adjustment of the work hours fixed by law to harmonize with the adoption of daylight saving in any locality.

The subject of apprentices is dealt with in a Delaware statute (ch. 185) which repeals existing provisions on the subject and forbids all binding of minors as apprentices.

With few exceptions the foregoing statutes have related exclusively to the employment of children. The acts that remain to be noticed under the general heading relate entirely to women. A California law (ch. 903) directs that women in the course of their employment shall not be requested or permitted to lift any box, basket, etc., whose weight exceeds 75 pounds; also, the law requires that such objects shall be equipped with pulleys, casters, or similar devices. The hours of labor are regulated by a New Jersey law (ch. 194) which reduces the weekly maximum from 60 to 54. The exception as to canneries under the earlier law is retained, but the provision allowing a longer work day in mercantile establishments for the six working days before Christmas is omitted. However, the proviso with reference to employments in hotels and other places of continuous service excepts them from the application of the law, provided the working hours of women do not exceed 8 per day. An 8-hour day is provided in a New Mexico act (ch. 180), but many exceptions are made in employments, emergency cases, etc.

The labor law of New York was extensively amended (ch. 642) mainly by way of procedure. One substantive provision, however, permits females over 21 to work at wet grinding under rules fixed by the industrial board. Another amendment (ch. 489) permits women over 21 in newspaper offices to work under exceptions to the requirements as to night work. In Wisconsin also (ch. 417) the age

of 21 is fixed as the minimum for the employment of females as bell-hops in hotels.

Not a labor law, but mentioned as of a measurable degree of interest in connection with the employment of women, is an act of the United States Congress (No. 97) relative to maternity and infancy welfare. The act contemplates State and Federal cooperation under a board of maternity and infant hygiene composed of the chief of the Children's Bureau, the Surgeon General of the United States Public Health Service, and the Commissioner of Education. The act is to be administered by the chief of the Children's Bureau of the United States Department of Labor. The States are to take the initiative in securing cooperation and plans are to be submitted by them to the Children's Bureau for approval. A few States took action in this connection in anticipation of the enactment of the law.

EMPLOYMENT OFFICES—UNEMPLOYMENT.

The Illinois Legislature (p. 443) extended the scope of operations of the public employment service of the State by fixing 25,000 as the minimum population of a city to be entitled to a branch office instead of 50,000, as formerly. An additional (fourth) branch is provided for the city of Chicago. The Legislature of Louisiana authorized the commissioner of labor and industrial statistics to establish free employment bureaus at such points as he might approve, charging him also with the duty, as far as he may find it feasible so to do, of ascertaining the fitness of applicants for work and the reliability of employers asking for help (No. 98). A free employment bureau is newly created in the State of North Carolina (ch. 131), the commissioner of labor and printing being authorized to establish offices and to assist minors to prepare for and find vocational or other employment. A permissive provision in Nebraska (ch. 116) authorizes metropolitan cities of the State to create a board of public welfare, which may be given power to establish an employment bureau; while in North Dakota (ch. 117) a general system of free employment service was established, authorizing cooperation with both local and Federal agencies.

Private employment offices operating for hire and collecting fees must pay \$500 license tax per annum in the Territory of Alaska (ch. 31). Charitable and benevolent associations doing placement work, if approved by the board of State charities, are exempt from the provisions of the Indiana statute regulating private employment offices (ch. 108). The Legislature of Michigan exempts teachers' agencies from the regulation as to fees to be charged (No. 38). In Nebraska (ch. 189) a law superseding the act of 1919 retains its main provisions. Fees are limited, licenses are to be revoked for a second offense of dividing fees with foremen, and enforcement by criminal proceedings is provided for. The statute of Utah on the subject was amended (ch. 48) by exempting teachers' agencies from the general law. The commission to be charged teachers may not exceed 5 per cent of the first year's salary.

The subject of unemployment was taken up by the Legislature of California (ch. 246), and the State board of control was directed to secure from the various departments, bureaus, etc., of the State gov-

ernment tentative plans for the extension of public works in times of unemployment due to industrial depression. The bureau of labor statistics is to make investigations in cooperation with other agencies and inform the governor as to conditions. Preference in employment is to be given citizens of the State, residents from other States, and aliens, in the order named. Early prosecution of public works in prospect is urged by a resolution of the Louisiana Legislature as a measure of relief (No. 15). Involving unemployment and various other factors is an act of the Illinois Legislature (p. 29) which provides for a joint legislative commission to investigate the building industry. Costs, combinations, agreements, production, and transportation of materials, profits of producers, distributors, and dealers, and, in short, all factors affecting cost are to be investigated. A report to the governor in December, 1922, was directed.

In contrast with the foregoing is an act of the Legislature of Hawaii (No. 226) creating an emergency labor commission of three persons to assist the Hawaiian Delegate in Congress in procuring legislation increasing the supply of agricultural labor in the islands, "including orientals," to relieve the "acute shortage of labor."

BUREAUS OF LABOR.

Besides some important enactments by way of reorganization, there were many changes of salaries provided for by the legislatures of 1921 in recognition of the increased costs of living during recent years. In the first group may be noted an act of the California Legislature (ch. 604) creating a department of labor and industrial relations. The industrial accident commission, the commission of immigration and housing, the industrial welfare commission, and the bureau of labor statistics as independently existing are abolished, their functions being exercised by the four divisions of the newly created labor office—workmen's compensation insurance and safety, immigration and housing, industrial welfare, and labor. A representative from each division makes up a department of labor and industrial relations which adjusts jurisdiction and makes rules and regulations as to the functions of the various divisions.

In Kansas (ch. 262) the administration of labor laws is transferred to the court of industrial relations, including the duties of the State mine inspector, factory inspector, and employment bureau, as well as of the commissioner of labor and industry. In Michigan (No. 43) a department of labor and industry is created, earlier laws being repealed generally. The new office has three commissioners and such staff as they may appoint, subject to approval by the State administrative board. The department exercises the powers previously vested in the industrial accident board, department of labor, State labor commissioner, board of boiler rules, and industrial relations commission. Similar action was taken in Minnesota (ch. 81), an industrial commission being created consisting of three members to serve for six years each. The offices of the commissioner of labor and the State board of arbitration are abolished. Six divisions are provided for—workmen's compensation; boiler inspection; accident prevention; statistics, women and children; employment; and mediation and arbitration. Others may be formed as the commission may

decide. Another act (ch. 83) provides for the appointment of chief and deputy boiler inspectors and a district inspector for each district into which the State is divided for the purpose of boiler inspection by the industrial commission.

The Legislature of Missouri (p. 417) undertook to create a department of labor with a commissioner at its head to be appointed by the governor, with the duty of enforcing the laws relating to labor, health, safety and statistics, mines and mining, negro industry, and boiler inspection. Another act (p. 68) made an appropriation for the department in the amount of \$226,000. Both these acts are held in abeyance by a petition for a referendum to be voted November, 1922. A department of agriculture, labor, and industry created by a Montana statute (ch. 216) supersedes earlier agencies. Four divisions are provided for, the fourth being the division of labor and publicity charged with the duties of enforcing laws relative to hours and conditions of labor, the protection of employees, child labor, and free employment service. The industrial accident board remains as a separate organization.

The labor law of New York was newly codified (ch. 50), placing a single industrial commissioner at the head of the department of labor instead of the industrial commission of five members as formerly. The reorganization of the department is thorough, new officers being provided for quite generally. In Ohio also (p. 105) an administrative code for the State contains provisions for a department of industrial relations with a director and assistant director and various divisions, including factory inspection, labor statistics, and mines, with an advisory board for each division. The industrial commission administering the compensation law is taken over as a part of the department, as is also the work of arbitration, boiler inspection, safety, etc. In Washington, likewise (ch. 7), there is a new administrative code. A department of labor and industries is created with a director at its head. A division of industrial insurance, one of safety, and one of industrial relations make up the department, previous boards and bureaus being abolished and their duties transferred to the new department.

Less far-reaching changes in organization and powers were made in a number of laws, as one of Connecticut (ch. 185) granting to the commissioner of labor and factory inspection the power to summon and examine witnesses under oath, compel the production of documents, etc. Another act by the same legislature (ch. 347) provides for a steam-boiler inspector for each congressional district, establishing qualifications and making provision for the enforcement of orders. In Maine (ch. 195) steamboat inspectors are to be appointed by the public utilities commission instead of by the governor. The appointment of a woman as assistant commissioner in the department of labor and industries of Massachusetts is made mandatory (ch. 306) instead of permissive as formerly. She is also given a definite status with the associate commissioners in various duties of the department. The inspection of boilers, mines, etc., is the subject of an amending law of Montana (ch. 47), this work now being placed under the supervision of the industrial-accident board. The office of steamboat inspector is discontinued.

The labor commissioner of Nevada is given a new duty (ch. 138) in connection with the collection of wages and other valid demands

of persons financially unable to employ counsel, when in his judgment he deems it necessary to exercise the power and authority given him in this regard.

The New Hampshire law as to regulation and inspection of factories was amended (ch. 130) by increasing the number of inspectors and providing that one of them shall be a woman. Mercantile establishments were brought within the provisions of the act. A bureau of labor under the department of agriculture and labor is provided for and its duties stated in an act of the Legislature of Porto Rico (No. 65). The commissioner of immigration, labor, and statistics of the State of Utah is given discretionary power to discharge the duties of his office by way of investigation and the employment of the necessary force, subject to the approval of the department of finance (ch. 65). In Vermont (No. 166) provision is made for the appointment of deputy commissioners under the commissioner of industries, and one woman inspector.

Salary changes were provided in an act of the Arkansas Legislature (No. 495) increasing the salary of the commissioner from \$2,000 to \$2,400 per year, and of the deputy from \$100 per month to \$2,100 per year. A stenographer at \$1,200 is also given to the office. The salaries of Illinois officials were advanced (p. 26) from \$5,000 to \$7,000 for the director of labor, from \$3,000 to \$4,000 for the assistant, and like changes for the chief factory inspector and the chief inspector of private employment offices. The director of the department of mines and minerals is given the same increase as the director of labor. The Rhode Island boiler inspector (ch. 2015) now receives \$2,300 instead of \$1,800, and the deputy \$1,700 instead of \$1,200.

Another act (ch. 2057) gives \$3,500 instead of \$2,500 for the expenses of the office of factory inspector.

MOTHERS' PENSIONS.

As stated in previous bulletins, the subject of mothers' pensions lies almost, if not entirely, outside the scope of labor legislation, but because of its provisions in behalf of children, permitted in some instances to work because of the need of their contributions to the family support, some notice has been taken of laws of this type. In Arizona (ch. 53) a State welfare board is created to supervise the activities of the various county welfare boards. A State agent is provided for in Connecticut (ch. 247), appointed by the State treasurer, to administer the mothers' pension law of 1919. A new law (ch. 183) supersedes earlier legislation in Delaware, a State commission of women having charge of the law which provides for needy mothers of children under 14 years of age. The Hawaiian statute (No. 37) adds a provision for maternity benefits for indigent women.

In Illinois (p. 162) provisions relating to allowances and conditions are amended, while in Iowa (ch. 252) the provision is added that a widow must be a resident of the county where the aid is asked. Among the changes made in the Kansas statute is one permitting the maximum monthly benefit to one family to be \$50 instead of \$25 as formerly (ch. 153). Conditions precedent to the granting of mothers' pensions are the subject of an amendment adopted by the Minnesota Legislature (ch. 435). Various changes were made in Montana (ch. 257), one being that the benefits are to be drawn from the poor fund.

instead of from the general funds of the county. Not more than 50 per cent of the poor fund may be thus used. A new law was adopted in Nevada (ch. 107), repealing earlier acts, fixing the benefit at not more than \$25 a month for one child, \$40 for two, and \$55 for more than two. Children reaching the age of 16 years are not to be considered.

In contrast with the foregoing allowances are the provisions of the New Hampshire law (ch. 85), which adopts the same age limit, but makes the maximum allowance \$10 per month for one child and \$5 additional for each other child, no maximum being fixed. Two years' residence is required. In New Jersey (ch. 48) a residence of five years is prescribed, the monthly allowance being \$12 for one child under 16, \$20 for two children, and \$7 for each additional child. Most liberal is the provision of the Ohio law (p. 70), which allows \$35 for the first child and \$10 for each additional one, the provision being for "support" instead of "partial support." The Oklahoma amendments (ch. 19) relate to the conditions precedent to the grant, among them being one year's residence in the county. In Oregon (ch. 202) the benefits for the first child are \$15 per month and \$10 for each additional child, the total not to exceed \$60. Three years' residence in the State is required.

The Pennsylvania statutes (Nos. 433, 438) provide for a separate appropriation of \$1,000,000 to be apportioned among the counties as classified and arrange for the allotments to counties making provisions by their own action, respectively. The monthly allowance is fixed at \$22.50 for one child in South Dakota (ch. 291) and \$10 additional for each additional child, payments terminating at the age of 16. An allowance may be made in behalf of a child not yet born. Fourteen years is the age limit in Tennessee (ch. 104), \$15 being allowed for one child and not more than \$10 each for each additional child. The Wisconsin statute is liberalized (ch. 86) by striking out the maximum limitation and permitting medical aid to be given where needed in addition to the money allowance.

RETIREMENT FUNDS.

The practice of providing for the retirement of the employees of the States and their subdivisions continues to extend somewhat, though most of the legislation of 1921 on this subject is amendatory of existing provisions. This is the case in California (ch. 819), where various sections of the law of 1919 establishing a retirement system for county employees were amended. The Connecticut law (ch. 74) now permits retirement on half pay at the age of 70 after 20 years of service instead of 25 as formerly. In Illinois municipalities of more than 200,000 population may establish contributory schemes for the retirement of their employees (p. 203). Employees are to contribute 3½ per cent of their salaries, while the cities give 5½ per cent. Retirement at various ages is provided for, the usual age being 65. No annuity may exceed 60 per cent of the salary, and no proportion of any salary in excess of \$3,000 is taken into consideration. Another act (p. 388) amends the law relative to retirement of public employees of counties having a population in excess of 150,000. Acts of New Jersey (chs. 109, 134) provide for the retirement of State employees, a contributory system being established. Actuarial methods are to be used in deter-

mining the contributions to be paid by the employee and by the State. Retirements for disability and accident are provided for as well as for service. Retirement at 60 is optional and at 70 compulsory, the allowance being the actuarial equivalent of the cumulative deductions plus $\frac{1}{10}$ of the final compensation for each year of total service, such final compensation being a salary not exceeding \$4,500. The second act provides for pensioning employees after 25 years of service and 60 years of age who do not have fixed terms of office or employment. Half the average annual salary for the two years previous to retirement is the allowance to be made, the scheme being noncontributory. In New York various amendments (chs. 207, 365, 568) were made, the last act being a revision repealing various laws and providing a more uniform plan for the retirement of State employees.

EMPLOYER'S LIABILITY.

The very general substitution of the compensation idea for that of liability results in a reduction in the amount of legislation under the above head. In Arizona (ch. 131) the court may order a physical examination to be made of any person suing for damages for personal injuries, on the application of any party to the action. The New York Legislature (ch. 121) reenacted the liability provisions of the labor law (ch. 31, Consolidated Laws) without substantive change, the reenactment being merely incidental to the new codification of the year. In Texas (ch. 100) the law relating to the liability of railroad companies for injuries to employees was amended by abolishing the plea of assumed risks, and introducing the rule of comparative negligence, by which the employee's contributory negligence serves to reduce the amount of recovery proportionately, but does not bar the action. The statute giving the right of action for injuries resulting fatally was also amended (ch. 109), one change forbidding releases from the liability fixed by the act through any prior agreement.

ACCIDENT INSURANCE.

With the extension of compensation legislation has come a great increase in the business of insuring the obligation of the employer created by the acts. In New York (ch. 409) the legislature has prescribed the methods of incorporation of companies writing employers' liability and workmen's compensation insurance. In Nebraska (ch. 306) companies writing insurance of this kind are required to furnish a copy of the report of their inspector as to the conditions of the premises and the plant of the employer insured, setting forth the physical defects discovered, together with the recommendations made regarding them.

The practice of employers taking out "group insurance" for their employees is regulated by law in some States. An act of the Indiana Legislature (ch. 129) deals with this subject, defining group insurance to be a form of life insurance covering not less than 50 employees, including all or any class or classes in the employer's establishment. An amendatory act of the Massachusetts Legislature (ch. 136) defines a "blanket policy" of insurance against accident or disease to be one covering 75 per cent of the eligible employees; while a second act (ch. 141) relates to group life insurance, provid-

ing that if eligibility depends on the term of employees' service, one year of service shall suffice to qualify.

A Washington statute (ch. 31) deals with the provisions of accident and health insurance policies generally. The act requires that a copy of the policy be filed with the insurance commissioner and contain certain standard provisions set out in the act. Workmen's compensation and other special kinds of insurance are not embraced.

In this connection may be noted the repeal (ch. 621) of the act of the California Legislature of 1917, which created a commission to investigate and report on various phases of social insurance, and the appointment of a commission on old-age insurance in Montana (H. J. Res. No. 7).

ACCIDENTS AND OCCUPATIONAL DISEASES.

No separate legislation requiring the reporting of accidents was enacted in 1921. The Wisconsin law relative to the reporting of industrial diseases was amended (ch. 12), but only in regard to the official of the State charged with the enforcement of the law, which is now the industrial commission. In this connection may be noted the fact that the Ohio Legislature (p. 181) placed an enumerated list of industrial diseases in the workmen's compensation act, to be compensated for as accidents. Similar action was taken by the legislature of Minnesota (ch. 82).

VOCATIONAL REHABILITATION.

The act of Congress of June 2, 1920 (41 Stats. 745) which looked toward the establishment of a system of "vocational rehabilitation of persons disabled in industry or in any legitimate occupation and their return to civil employment," in cooperation with the States, has received prompt and very general acceptance. The laws of the various States are for the most part so similar as not to warrant their separate reproduction. That of Arizona (ch. 78) is of the standard type and is reproduced in full. The treasurer of the State is given the custody of the funds, and the board for vocational education cooperating with the Federal board in that respect is made also the board to administer the rehabilitation law. It may receive gifts with or without specified conditions for use in rehabilitation work, and is authorized to take the necessary steps to carry out the purposes of the law, an appropriation being made therefor, not less than the maximum of the Federal allotment, which must be matched by the States. Similar laws were enacted in California (ch. 758), appropriating \$35,000 for 3 successive years; Idaho (ch. 44), appropriating \$10,000 for the biennium; Illinois (p. 11), appropriating \$125,000 for the biennium; Indiana (ch. 204), appropriating the maximum annual sum to match the Federal allotment; Iowa (ch. 14), appropriating approximately \$23,000 for each of the years 1922 and 1923; Maine (ch. 97), making the vocational education fund of the State available for rehabilitation; Massachusetts (ch. 462), appropriating \$10,000 to initiate the act, and omitting the provision of law as to the acceptance of gifts; Michigan (No. 211), appropriating a sum equal to the Federal allotment for the fiscal years 1922 and

1923 and providing, in addition to the standard provisions, that the industrial accident board shall pass on all cases coming before it, to decide as to the need of rehabilitation and advise with the board for vocational education; Missouri (p. 690), appropriating \$80,858.88 for the fiscal years 1921 and 1922 (p. 7); Montana (ch. 149), appropriating \$10,000 for each of the fiscal years 1922 and 1923; Nebraska (ch. 68), appropriating \$25,000 for the use of the State board; New Mexico (ch. 162), the appropriation act carrying a provision of \$5,000 for this purpose; North Dakota (ch. 115), making no appropriation; Ohio (p. 310), without an appropriation, but pledging to "observe and comply with all requirements" of the Federal act; Tennessee (ch. 68), matching the Federal appropriation; Utah (ch. 97), appropriating \$14,000 for the biennium; West Virginia (ch. 19), matching the Federal grant; and Wyoming (ch. 109), appropriating \$10,000 for the biennium.

Besides the foregoing, the State of Pennsylvania (No. 4) accepted the act, though, due to the fact that a board of rehabilitation already existed in the State, some special provisions of law were incorporated. Provision is made for reports from public and private hospitals with reference to injured persons received, and a survey is to be made of the State to discover proper subjects for training. The Rhode Island Legislature (ch. 2031) briefly accepted the provisions of the act and empowered the State board for vocational education to cooperate, but with no mention of funds. The Wisconsin law (ch. 534) contains the standard provisions, but adds thereto provisions as to the admission, maintenance, and training of handicapped persons.

The Nevada Legislature of 1919 had accepted by anticipation the provisions of the Federal law, and amended this act in 1921 by providing (ch. 200) for acceptance of gifts for the fund. The act had also been accepted in North Carolina at the extra session of 1920; an act of 1921 (ch. 172) carries the appropriation of \$5,000 annually, and limits to \$10 per week for a maximum of 20 weeks the amount payable for the maintenance of any one person in training. In South Dakota the governor had made an interim acceptance of the act, this action being recognized by the legislature (ch. 215) appropriating \$5,000 per annum for this work.

Other provisions in this field are an act of the Idaho Legislature (ch. 207) authorizing boards of trustees of the school districts of the State to establish Americanization schools for adults, with a further provision that instruction and facilities for the vocational rehabilitation of an adult injured in the military or naval service of the United States or in industry may be supplied. An independent action of the Minnesota Legislature (ch. 436) directs the railroad and warehouse commission of the State to make a confidential report of such accidents as come to its notice for the use of the division of rehabilitation and placement of disabled persons, this work to be conducted by the State board of vocational education created by an act of 1919. Rhode Island also had a prior provision on the subject of rehabilitation, the act being amended this year (ch. 2033). The commissioner of education is authorized to offer training for citizens of the State and physically defective persons whether due to accident, injury, or congenital conditions. Besides accepting the

Federal statute, as noted above, the Wyoming Legislature (ch. 110) passed a law apparently supplemental to the act of acceptance, authorizing the district judge of the county in which a disabled person is a resident to award a maintenance fund of \$10 a week for not more than 40 weeks in behalf of a disabled person nominated by the State board of education for training.

In this connection may be noted the fact that the duties of the Federal Board for Vocational Education with regard to the vocational rehabilitation of soldiers, sailors, etc., was transferred by an act of Congress (No. 47) to the newly created Veterans' Bureau, which is an independent office under the President.

LABOR ORGANIZATIONS AND LABOR DISPUTES.

The Court of Industrial Relations of Kansas, which has attracted so much attention, was originally charged with the duties of a public utilities commission, which it took over. Such a commission was recreated by an act of 1921, and the adjustment of duties between it and the court of industrial relations is a subject of an additional statute (ch. 261). This act distributes the powers between the two agencies and provides that if there is a matter of rates before the public utilities commission and related matter is before the court of industrial relations, the latter may order a joint hearing by the two bodies.

The State board of arbitration which has existed for a number of years in California was abolished (ch. 619), thus leaving the State without any agency charged with like duties.

Picketing is declared unlawful by an act of the Nebraska Legislature (ch. 235); while incitement to violence by publications, etc., whose purpose is to intimidate persons from freely engaging in lawful business or employment is penalized by a Hawaiian statute (No. 216). The Oregon statute relative to criminal syndicalism and sabotage enacted in 1919 was repealed and another statute enacted in its place (ch. 34), the apparent result being a more stringent law.

An Illinois statute (p. 401) is directed to the practice of extortion by a representative or pretended representative of a labor organization under the pretext of avoiding, settling, or terminating a labor dispute. Such conduct is penalized, witnesses not being excused on the ground of self-incrimination, though they are not to be punished for acts as to which they testify.

The protection of union labels, trade-marks, etc., is a subject of laws of California (ch. 272), Iowa (ch. 29), and North Dakota (ch. 137), that of Iowa superseding earlier legislation. A law of like tenor was enacted by the Alabama Legislature in extra session (No. 13). It also (No. 23) revised and extended the law of the State as to boycotting, blacklisting, and picketing, adding new sections on the obstruction of business, sabotage, etc.

The Massachusetts Legislature undertook (ch. 368) to provide a method by which voluntary, unincorporated associations, such as labor organizations mainly are, might be sued (ch. 368). This act has been held up by a referendum.

An act of the Wisconsin Legislature that may be noted here (ch. 458) is an amendment of the antitrust law, which penalizes combina-

tions, agreements, etc., which control the price of any commodity or fix the amount to be manufactured, mined, produced, or sold.

STATE AND INDUSTRIAL POLICE.

Though not directly labor legislation, interest attaches to the provisions of law found in a number of States relative to the organization of State and industrial police. Thus a law of Florida (ch. 8539) authorizes railroad and express companies and other common carriers to apply to the governor for the appointment of special officers to protect passengers, employees, and property, the appointees to be paid by the companies exclusively. Similar laws were enacted in Nevada (ch. 163) and New Mexico (ch. 141) in regard to railroad companies.

State police or rangers are becoming increasingly common as an adjunct to the law enforcement department of the States. Amendatory laws on the subject were passed in Colorado (ch. 98), Connecticut (ch. 273), Idaho (ch. 67), Massachusetts (ch. 461), Pennsylvania (ch. 386), and West Virginia (ch. 100); while a new organization of this kind was created in New Jersey (ch. 102). The Massachusetts amendment specifies that the force is not to be used in industrial disputes unless there is actual violence, and then only by order of the governor.

COOPERATIVE ASSOCIATIONS.

Of general interest, but especially calculated to affect the conditions of wage earners, is the extended activity relative to the organization of cooperative associations, chiefly for the purpose of marketing agricultural products, though production, as well as other lines of activity, is contemplated in a number of cases. Specifically relating to the marketing, etc., of agricultural products by means of cooperative associations are laws of Arizona (ch. 156), Arkansas (No. 116), Georgia (p. 139), Idaho (ch. 124), Kansas (ch. 148), Montana (chs. 152, 233), North Carolina (ch. 87), North Dakota (ch. 44), Ohio (p. 50), South Carolina (No. 203), Texas (ch. 22), Washington (ch. 115), and West Virginia (ch. 121). These acts in general, provide for a corporation with 5 or more members, for marketing, and frequently also for production, packing, etc., the incorporators to be themselves producers, the association to act on a nonprofit basis, with or without capital stock.

That the movement is also of general interest appears from the enactment of statutes applicable to agriculture and other undertakings or as phrased in one statute, "any lawful business." Laws of this type were enacted in Arkansas (No. 632), Iowa (ch. 122), Michigan (No. 84), Nebraska (ch. 28), Nevada (ch. 236), North Dakota (ch. 43), Oregon (ch. 260), and Wisconsin (ch. 490). Some of these laws were amendatory of existing legislation. Other amendatory acts were passed in California (chs. 170, 342), the first relating to the consolidation of associations, while the second is a general revision of the law as to nonprofit sharing cooperative associations; Colorado (ch. 82), protecting the use of the name of associations; Connecticut (ch. 115), relating to franchise fees; Massachusetts (ch.

297), regulating the amount of stock that one member may have; Montana (ch. 93), authorizing the ownership and operation of two or more agricultural enterprises, the powers of the association to be exercised by delegates; New York (ch. 359), removing the limitation on the amount of stock that may be held; South Dakota (ch. 153), authorizing associations to invest 25 per cent of their stock in another cooperative company; and Wisconsin (ch. 267), authorizing foreign cooperative associations to do business in the State if they comply with the State law.

CIVIL RIGHTS OF EMPLOYEES.

The New Mexico Legislature (ch. 132) provides penalties for employers attempting to interfere with employees in their political rights as voters or as candidates for office. A similar object is contemplated by a law of West Virginia (ch. 56) which forbids coercion as to voting by employees in the matter of debt, tenancy, or employment, and requires a grant of two hours' time to vote on election day without loss of pay.

Another law of New Mexico (ch. 128) makes it unlawful for any employer by himself or his agent to discharge any person from employment because of being an officer or enlisted man in the National Guard of the State. Prevention of performance of duty is also punishable.

The so-called "absent voter's" law, which probably originated in the desire of railroad workers to be able to vote though absent from the home precinct, is now in most cases of much broader application. Thus the Arizona law (ch. 117) and that of Louisiana (No. 61) permit a qualified elector who has complied with the registration laws to vote elsewhere in the State by mailing his ballot to the home precinct. An amendment of the California constitution authorizing such legislation was proposed in a resolution by the legislature of 1921 (ch. 50). A law of Maine (ch. 38) and an amendment to the constitution of Michigan (Art. III, sec. 1) contemplate voting either in or out of the State by persons qualified. The Nebraska law (ch. 94) permits voting outside of the State as well as within; while that of Nevada (ch. 90) is apparently limited to voting within the State; likewise limited to other parts of the State is an act of Texas (ch. 113); while the law of West Virginia (ch. 55) permits voting by mail outside the State as well as within. Statutes of Vermont (No. 4) and Washington (ch. 143) amend existing legislation. A North Dakota Statute of 1919, liberalizing the act of 1913, was disapproved on referendum (p. 252, Acts of 1921).

CONVICT LABOR.

The employment of convicts during their terms of imprisonment continues to occupy the attention of State legislatures, road work being increasingly recognized as an approved form of occupation. Laws bearing upon this phase of the subject were enacted in California (ch. 843), Colorado (ch. 85), Kansas (ch. 40), New Mexico (ch. 58), and West Virginia (ch. 112).

A woman is placed on the board in charge of the State penitentiary of Arkansas (No. 44); while in Ohio (p. 124) the administrative code places the care of prisons and convict labor under the department of public welfare. A similar step was taken in Pennsylvania (No. 425). The Alabama Legislature in extra session amended an act (No. 379, Acts of 1919) which provided for the employment of convicts in the mining of coal on lands of the State University and for the abolition of the leasing of State and county convicts after January 1, 1923, by striking out the reference to county convicts, and extending the time as to State convicts to January 1, 1924 (No. 22).

A Delaware law (ch. 202) permits contracts for the labor of inmates of the New Castle County workhouse for not more than 8 hours per day. In Nebraska (ch. 208) the establishment of a reformatory for prisoners 16 to 30 years of age is provided for, to be built by convict labor as far as possible. The inmates are to receive an elementary school training and shall, as far as feasible, work at a trade or business which shall supply products for State use. Another act (ch. 285) provides for the employment of convicts generally in the manufacture of products for the State and on the State roads and public works. Their labor may also be contracted for and their wages credited to them. In Nevada (ch. 226) convicts are to be employed only on State work. As a privilege following good behavior, convicts may employ their time outside of working hours in the manufacture of goods for their own benefit if not competing with free labor. County jails will be largely closed in accordance with a New Hampshire statute (ch. 135), only two to be kept, in which employment is to be furnished. State control is to be exclusive under an Oregon statute (ch. 224), neither the plant nor the labor of the prisoners to be leased to any persons. Another act (ch. 56) permits the employment of paroled convicts at the prison wood camp for the purpose of cutting wood for any State institution; wages are to be paid in a reasonable amount. Another act (ch. 275) prescribes the use to be made of the money earned by the convicts employed at the penitentiary, part going to pay the expenses of the plant, part for the maintenance of the convicts, and part for the support of their dependents, while the balance goes to the betterment fund of the penitentiary. In Pennsylvania (No. 61) the convict labor law of 1915 is amended in various minor points, cities, boroughs, and townships, as well as the State and counties, being authorized to buy prison products. The privilege is also extended to educational and charitable institutions aided by the State. Another act (No. 262) provides for boards of inspectors of jails and county prisons in counties of the third and fourth class, to supervise the employment of the inmates.

PUBLIC OWNERSHIP.

An Arizona law (ch. 139) authorizes counties to establish plants for the production of materials and commodities for use on highways or other public works, such undertaking to be voted on on petition of 15 per cent of the taxpayers of the county.

The constitution of the State of South Carolina was amended so as to allow cities and towns, those in certain counties excepted, to

acquire and operate ice plants, the ice to be furnished for general use "for reasonable compensation." This action was ratified by an act of the legislature of 1921 (No. 186). In Minnesota (ch. 477) the legislature created a commission to investigate and report on a plan to establish and operate a State plant for the making of cement for use on the public roads.

HOMES FOR WORKINGMEN.

Though not extensive, there is an apparently growing acceptance of the idea of State aid in the matter of home ownership. The act of Arizona of the year 1919 creating a land settlement board was subjected to a general amendment in 1921 (ch. 58), the purpose of the act being the procurement of homes, farms, and workers' allotments for soldiers, sailors and marines, and "other deserving and qualified citizens." The commission of immigration and housing of California is directed (ch. 142) to investigate the possibility of State aid with regard to the supply of homes for workingmen for sale on the installment plan. The Legislature of Minnesota (ch. 330) created a State colonization commission to promote the settlement of tracts of land by corporations, the commission being given authority to approve the flotation of bonds.

Porto Rico has had a commission on homes for workingmen for a number of years. The act of 1917 was redrafted (No. 53), the law containing provisions for settlements in small towns and for small farms, the commission being authorized to purchase, divide, improve, sell, etc., property for this purpose. A land settlement board was provided for in South Dakota in 1919; this agency is continued in effect until July 1, 1923 (ch. 366). The amount of the bonds that may be issued is advanced from \$1,000,000 to \$2,000,000. Another act (ch. 254) creates a State home building department, providing for the loaning of money to build homes.

An act of the United States Congress (No. 34) created a Hawaiian homes commission to develop and sell or lease public lands of the Islands with certain exceptions, authorizing the loaning of money, the employment of an expert agricultural adviser, and in general the encouragement of home owning and agricultural development.

Though not falling exactly within the same class as the foregoing, but having in view the needs of persons of small incomes, there may be here noted the action of the Massachusetts Legislature (ch. 325) in creating a commission on the necessaries of life. This consists of three members, and is to investigate the conditions affecting the prices of fuel and other commodities necessary to life. The findings are to be published in a report to the legislature.

LAWS OF VARIOUS STATES RELATING TO LABOR ENACTED SINCE JANUARY 1, 1921.

ALABAMA.

EXTRA SESSION—ACTS OF 1921.

Act No. 13.—*Labor organizations, etc.—Suits.*

SECTION 1. An action or suit may be maintained by and in the name of any unincorporated organization or association. How action brought.

SEC. 2. Actions or suits may be maintained against and in the name of any unincorporated organization or association for any cause of action for or upon which the plaintiff therein may maintain such an action against the members of such organization or association. What suits allowed.

SEC. 3. Service of process in such action against such organization or association shall be had by service upon any officer or official member of such organization or association or upon any officer or official member of any branch or local of such organization or association, provided that any such organization or association may file with the secretary of state a designated officer or agent upon whom service shall be had and his residence within the State, and if such designation is so made and filed service of process shall be had only on the officer or agent so designated if he can be found within the State. Service of process.

SEC. 4. Such organization or association shall be suable in any action now pending, or any cause of action now existing or hereafter arising. Such action may be maintained in any county where such organization or association does business or has in existence a branch or local organization. Actions.

SEC. 5. Where a judgment in such actions is rendered in favor of the plaintiff against such organizations or associations the property of such organization or association shall be liable to the satisfaction of such judgment. Judgments.

SEC. 6. In case for any reason any paragraph or any provision of this act shall be questioned in any court of last resort and shall be held by such court to be unconstitutional or invalid, the same shall not be held to affect any other paragraph or provision of this act. Provisions severable.

Approved October 28, 1921.

Act No. 23.—*Boycotts, blacklisting, etc.*

Chapter 176 of the Criminal Code of Alabama, entitled "Boycotting and blacklisting." [shall] be amended and revised so as to read as follows:

SECTION 1. Two or more persons who, without a just cause or legal excuse for so doing, enter into any combination, conspiracy, agreement, arrangement, or understanding for the purpose of hindering, delaying, or preventing any other persons, firm, corporation, or association of persons from carrying on any lawful business shall be guilty of a misdemeanor. Interference with employment.

SEC. 2. Any person or persons who, without a just cause or legal excuse therefor, go near to or loiter about the premises or place of business of any other person, firm, corporation, or association of people, engaged in a lawful business, for the purpose or with the intent of influencing or inducing other persons not to trade with, buy from, sell to, have business dealings with, or be employed by such persons, firm, corporation, or association, or who picket the works or place of business of such other persons, firms, corporations, or associations of persons, for the purposes of hinder-

Picketing.

ing, delaying, or interfering with, or injuring any lawful business or enterprise of another, shall be guilty of a misdemeanor; but nothing herein shall prevent any person from soliciting trade or business for a competitive business.

Boycotting. SEC. 3. Any person, firm, corporation, or association of persons who prints or circulates any notice of boycott, boycott cards, stickers, dodgers, or unfair lists, publishing or declaring that a boycott or ban exists or has existed or is contemplated against any person, firm, corporation, or association of persons doing a lawful business, shall be guilty of a misdemeanor.

Intimidation. SEC. 4. Any person, firm, corporation, or association of persons who uses force, threats, intimidation, or other unlawful means to prevent any other person, firm, corporation, or association of persons from engaging in any lawful occupation or business shall be guilty of a misdemeanor.

Blacklist. SEC. 5. Any person, firm, corporation, or association of persons who maintains what is commonly called a blacklist or notifies any other person, firm, corporation, or association that any person has been blacklisted by such person, firm, corporation, or association; or who uses any other similar means to prevent any person from receiving employment from whomsoever he desires to be employed by shall be guilty of a misdemeanor.

Obstructing business. SEC. 6. Any person, firm, corporation, or association of persons who without a just cause or legal excuse willfully or wantonly does any act with the intent, or with reason to believe that such act will injure, interfere with, hinder, delay, or obstruct any lawful business or enterprise in which persons are employed for wages; or who shall willfully or wantonly injure, destroy, attempt to destroy, or threaten to injure or destroy any property of another; or who shall willfully or wantonly derange, or attempt, or threaten to derange any mechanics, appliances, or devices, of another used in any lawful business or enterprise, shall be guilty of a misdemeanor.

Sabotage. SEC. 7. Any person, firm, corporation, or association of persons who without a just cause or legal excuse, but with the intent to supplant, nullify, or impair the owner's, operator's, or manager's control of any lawful business or enterprise, or who without just cause or legal excuse shall take, retain, attempt or threaten to take or retain, possession or control of any property of another or any instrumentality used in any lawful business or enterprise of another shall be guilty of a misdemeanor.

Taking control. SEC. 8. Any person, firm, corporation, or association of persons who, without a just cause or legal excuse shall advise, encourage, or teach the necessity, duty, propriety, or expediency of doing or practicing any of the acts or things made unlawful by this act; or who print, publish, audit, issue, or knowingly circulate, distribute, or display any book, pamphlet, paper, handbill, document, or written or printed matter of any form advertising, advising, teaching, or encouraging such necessity, duty, propriety, or expediency of violating or disregarding any of the provisions of this act; or who organizes or helps to organize, gives aid or comfort to, or becomes a member of any group of persons formed to advocate, advise, or teach the necessity, duty, propriety, or expediency of violating or disregarding any of the provisions of this act shall be guilty of a misdemeanor.

Inciting acts. SEC. 9. Any person, firm, corporation, or association of persons violating any of the preceding sections or provisions of this act shall on conviction be punished by a fine of not less than one hundred dollars (\$100) or more than one thousand [dollars] (\$1,000), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months for the first conviction, at the discretion of the court or judge trying the case; and on the second and every subsequent conviction, in addition to the fine which may be imposed, the convicted party shall be sentenced to hard labor for not less than three months nor more than six months, to be fixed by the judge or court trying the case.

Violations. SEC. 10. Any person, firm, corporation, or association of persons who, without a just cause or legal excuse shall advise, encourage, or teach the necessity, duty, propriety, or expediency of doing or practicing any of the acts or things made unlawful by this act; or who print, publish, audit, issue, or knowingly circulate, distribute, or display any book, pamphlet, paper, handbill, document, or written or printed matter of any form advertising, advising, teaching, or encouraging such necessity, duty, propriety, or expediency of violating or disregarding any of the provisions of this act shall be guilty of a misdemeanor.

Approved October 29, 1921.

ALASKA.

ACTS OF 1921.

CHAPTER 14.—*Mine regulations—Coal mines.*

[This act is a code of mining law for all coal mines in the Territory, and excludes chapter 51, Acts of 1917, from any application thereto. Inspection at all reasonable times is to be permitted and facilitated by the manager. The operation of dangerous mines may be forbidden. Registration, and reports of production, accidents, etc., as may be called for, are required. The act requires a monthly report of all accidents, and immediate reports of all serious or fatal accidents; also report of return to work in cases of serious accident. Rules for safety, first aid, rescue training, etc., are given; and escape ways and safety appliances are prescribed, including safety lamps, clearance in ways, supply of timber, the storage and use of explosives, ventilation, sprinkling, electric installations, etc.]

Summary of act.

CHAPTER 31.—*Private employment offices—License tax.*

SECTION 1. Any person, firm or corporation prosecuting, or attempting to prosecute, any of the following lines of business, or who shall employ any of the following appliances, in the Territory of Alaska, shall apply for and obtain a license, and pay for said license for the respective lines of business and appliances, as follows:

License required.

11th. Employment agencies operating for hire and collecting a fee for services, five hundred dollars (\$500) per annum.

Employment agencies.

Approved May 5, 1921.

CHAPTER 44.—*Mine inspector.*

SECTION 1. Immediately upon the approval of this act the governor shall appoint a mine inspector for the Territory who shall hold office until the first day of March, 1923, and until his successor is duly appointed and qualified, and that after the first day of March, 1923, and biennially thereafter the governor shall, with the consent and approval of the Senate, appoint a mine inspector who shall hold office for the term of two years and until his successor is appointed and qualified.

Appointment.

SEC. 2. In the event that a vacancy occurs in the office of mine inspector the governor shall fill the vacancy by appointment for the remainder of the term, but if such vacancy occurs during the session of the legislature such appointment shall be confirmed by the Senate.

Vacancies.

SEC. 3. The mine inspector provided for by this act shall have and possess all the qualifications and be vested with all the duties and authority prescribed in chapter 51 of the Session Laws of 1917.

Qualifications.

Approved May 7, 1921.

ARIZONA.

ACTS OF 1921.

CHAPTER 26.—*Obtaining labor under false pretenses.*

[This act amends paragraph 524 of the Penal Code, as amended by chapter 163, Acts of 1919. It now reads as follows:]

PARAGRAPH 524. Any person, persons, partnership, association, company or corporation (his or its officers, directors or agents), who or which shall employ upon wages any person or persons in any occupation, and who or which at the time of employing such person or persons shall not have sufficient assets within the county in which such work or labor is to be performed, over and above all exemptions allowed by law, to cover the amount of wages accruing to said employee or employees for the term of two weeks, and who shall make any false representations or pretenses as to having such assets, or who, after labor has been done under such employment by said employee or employees, shall fail, upon the discharge or resignation of such employee or employees, or for a period of five days after such wages are legally payable, to pay said employee or employees on demand, in the manner prescribed by law, the wages due such employee or employees for such labor, shall be deemed guilty of obtaining labor under false pretenses, and upon conviction thereof shall be punished by imprisonment in the State penitentiary for a period not to exceed one year, or by a fine not exceeding three times the amount of wages so due; and upon prosecution therefor, and conviction thereof, in the same proceeding, civil judgment shall be rendered in favor of such employee or employees, and against such person, persons, partnership, association, company or corporation (his or its officers, directors or agents), for all such wages that may be unpaid, together with a reasonable attorney's fee to be fixed by the court, and which said judgment shall also include compensation to such employee or employees at the same rate at which such wages were agreed to be paid, from the time same became due until said judgment be satisfied, and said judgment shall be and constitute a first and prior lien against the property of such employer upon which said work and labor was done and performed.

Fraudulent hiring.

Penalty.

Approved February 25, 1921.

CHAPTER 66.—*Alien labor—Immigration commissioner.*

SECTION 1.—The word "alien" whenever used in this act shall include any person not a native born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States, not taxed, or citizens of the islands under the jurisdiction of the United States.

"Alien."

SEC. 2. There is hereby created a State office to be known as the Office of Arizona Immigration Commissioner, to be located at the capitol, in Phoenix, Arizona, and the person appointed as hereinafter provided and to be in charge of such office shall be known as Arizona Immigration Commissioner.

Office created.

SEC. 3. The Arizona Immigration Commissioner shall be appointed by the governor as soon as possible after this act shall take effect. Such commissioner shall be appointed to serve for a term of four years from and after the date of his appointment. Before entering upon the duties of his office, such commissioner shall give a bond, to be approved by the governor, in the sum of

Appointment.

- five thousand dollars, conditioned upon the faithful performance of his duties, the premium of such bond to be paid by the State.
- Salary.** The salary of such commissioner shall be three thousand dollars per annum, payable semimonthly. In addition to such salary the commissioner shall receive his necessary traveling expenses when engaged in the discharge of his official duties, and is empowered to employ such clerical and other help as is necessary for the conduct of his office and the discharge of his duties.
- Duties.** SEC. 4. Subject to the provisions of this act and the regulations made from time to time by the United States Immigration Commissioner and the United States Department of Labor, the Arizona Immigration Commissioner shall regulate and control the admission into the State of Arizona of all such aliens as may be allowed temporary admission into the United States pursuant to the rules and regulations prescribed by the United States Immigration Commissioner and the United States Department of Labor, but who would otherwise be inadmissible under the laws of the United States.
- Admission of aliens.** SEC. 5. Any person, company, or association desiring to secure the admission into the State of Arizona of any such otherwise inadmissible aliens shall, before attempting to bring such aliens into the State of Arizona, apply to and secure from the Arizona Immigration Commissioner a permit to bring in such aliens. No such permit shall be granted until the applicant for such permit shall show to the satisfaction of the Arizona Immigration Commissioner: (1) That such applicant is not and will not in any way engage in the business of securing the admission of any such aliens in consideration of a fee or commission of any sort to be collected by such applicant either from such aliens or from any other person whomsoever; (2) that the admission of such aliens is reasonably necessary and required to supply the necessary labor required in some industry carried on and conducted within the State of Arizona; (3) the particular industry or employment on or in connection with which such aliens will be engaged and the locality within the State of Arizona at which such industry or place of employment will be located; (4) that such applicant has secured the necessary authority or permit from the United States Department of Labor to bring in such aliens, and the evidence satisfactory to the Arizona Immigration Commissioner that the applicant has such authority or permit shall be filed with the commissioner. It shall be unlawful for any person, company, or association to bring or attempt to bring into the State of Arizona any alien or aliens of the class referred to in this act without first having secured the permit provided for in this section, and any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of not less than fifty dollars nor more than one hundred dollars for each offense: *Provided*, That each such alien brought into or attempted to be brought into this State in violation of the provisions of this act shall constitute a separate offense.
- Fund.** SEC. 6. There is hereby appropriated annually out of any money in the General Fund a sufficient sum of money to carry out the provisions of this act, provided that the expenditures in any one fiscal year, under the authority of this act, shall not exceed five thousand dollars.

Approved March 9, 1921.

CHAPTER 73.—*Mine regulations—Notice of operation, etc.*

- Beginning work.** SECTION 1. (a) Whenever mining operations of any character are initiated or started in any mine or mining property in the State of Arizona where such mine or mining property comes under the jurisdiction of the State mine inspector, as provided for by law, and which mining property has not theretofore been in continuous operation, and whenever such operations employ six (6) or more employees, it shall be the duty of the operator of such mine or

mining property, within ten (10) days after the initiation or commencement of such operations, to notify the State mine inspector, in writing, at his office in the State capitol building, Phoenix, Maricopa County, Arizona, of the commencement of such work or operations.

(b) Whenever operations of any mine or mining property in the State of Arizona coming under the jurisdiction of the State mine inspector, as provided for by law, and employing six (6) or more employees, shall be suspended, it shall be the duty of the operators of such mine or mining property, within ten (10) days after the suspension of such operations, to notify the State mine inspector thereof, in writing, at his office in the State capitol building, Phoenix, Maricopa County, Arizona.

Suspension.

SEC. 2. Any operator violating any of the provisions of this act shall be subject to a fine of not less than fifty (\$50.00) dollars nor more than three hundred (\$300) dollars.

Violations.

Approved March 12, 1921.

CHAPTER 78.—*Vocational rehabilitation—State and Federal cooperation.*¹

SECTION 1. The State of Arizona does hereby, through its legislative authority, accept the provisions and benefits 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 employment," approved June 2, 1920, and will observe and comply with all requirements of such act.

Act accepted.

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 make disbursements therefrom upon the order of the State board herein designated.

Custody of funds.

SEC. 3. The board heretofore designated as the State board of 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 is empowered and directed to cooperate with the said Federal board in the administration of said act of Congress; 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 provide for the supervision of such training; to appoint such assistants as may be necessary to administer this act and said act of Congress in this State; to fix the compensation of such assistants and to direct the disbursement and administer the use of all funds provided by the Federal Government and this State for the vocational rehabilitation of such persons.

Board.

SEC. 4. The State board designated to cooperate as aforesaid in the administration of the Federal act, is hereby authorized and empowered to receive such gifts and donations, either from 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 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 to defray the expenses

Gifts, etc.

¹ This act, in its principal features, resembles the acts of the various States accepting Federal cooperation, and may be accepted as generally representative.

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 the governor of the State by the State board.

Appropriation.

SEC. 5. There shall be appropriated a sum of money available for each fiscal year not less than the maximum sum which may be allotted to the State for the purposes set forth in said Federal act, and there is hereby appropriated for such purposes out of any moneys in the treasury not otherwise appropriated for the fiscal year ending June 30, 1921, the sum of five thousand (\$5,000) dollars.

Approved March 14, 1921.

CHAPTER 131.—*Suits for damages for personal injuries—Physical examination.*

Examination to be had.

SECTION 1. On or before the trial of any action brought to recover damages for injury to the person, the court before whom such action is pending may, from time to time, on application of any party therein, order and direct an examination of the person injured, as to the injury complained of, by a competent and disinterested physician or physicians, surgeon or surgeons, in order to qualify the person or persons making such examination, to testify in the said cause as to the nature, extent, and probable duration of the injury complained of; and the court may in such order direct and determine the time and place of such examination: *Provided*, This act shall not be construed to prevent any other person or physician from being called and examined as a witness.

Approved March 18, 1921.

CHAPTER 134.—*Employment of children—Enforcement of laws.*

SECTION 1. Paragraphs 2696 and 2697 of Title XI, Revised Statutes of Arizona, 1913, Civil Code, entitled "Education," are hereby amended to read as follows:

Board of education.

2696. The board of education shall hold four regular meetings annually at such time as may be directed by said board of education. Special meetings may be held on the call of the president of said board. A concurrence of a majority of all the members of the board shall be necessary for the validity of any act by the board. * * *

Powers.

2697. The powers and duties of the board are as follows:

13. In cooperation with other departments of the State government, the board shall see to it that the rules relating to schools, health, compulsory education, child labor, and child observation are enforced.

Approved March 19, 1921.

CHAPTER 143.—*Employment of children—School attendance.*

[This act amends paragraphs 2802, 2803, and 2804 of the Revised Statutes, Civil Code, to read as follows:]

Attendance required.

2802. (a) Every parent, guardian, or other person in the State of Arizona having control of any child between the age of eight and sixteen years, is hereby required to send such child to a public school for the full time that such school is in session within the district where such child resides: *Provided*, That such parent, guardian, or other person having the control of such child shall

Exemption.

be excused from such duty by the board of trustees of the district, whenever it shall be shown to the satisfaction of such board and of the county school superintendent that one or more of the following reasons exist:

1. That such child is taught at home by a competent teacher in the branches taught in the common schools of the State.

Grounds.

2. That he is attending a regularly organized private or parochial school taught by competent teachers for the full time that the public schools of the district are in session.

3. That such child is in such physical or mental condition as to render such attendance inexpedient or impracticable.

4. That such child has already completed the grammar-school course prescribed by the State board of education.

5. That such child has presented any reasons for such nonattendance which may be satisfactory to a board consisting of the president of the local board of trustees, teacher of the child, and probation officer appointed by the judge of the superior court of the county.

6. That such child is over sixteen [sic] years of age, and, with the consent of its parents or guardians, is employed at some lawful wage-earning occupation.

(b) No child under the age of sixteen years shall be employed by any person, firm, or corporation during the hours that the public schools of the district where such child resides are in session unless such child shall present a written permit from the board of trustees of the district, stating that he has been excused from attendance at school for one of the reasons set forth in this paragraph, which permit may be revoked at any time. Such permit shall be filed by the employer of such child with the county school superintendent, immediately upon the employment of the child, together with a statement of the nature of such employment, and, upon the termination of such employment, written notice of such fact shall be given by the employer to the county school superintendent.

Permit required.

(d) Whenever it shall appear to any attendance officer that any child within the requirements of this act is unable to attend school because it has not proper clothing, or because it is required to work at home or elsewhere in order to properly support itself, or those legally entitled to its services, he shall report such fact to the juvenile court of such county, or the judge thereof, and if it shall appear to the judge of such court, after investigation, that relief should be granted such child in order that it may attend school, said judge may make such orders as may be necessary for that purpose, and the expenses thereof shall be paid from the general funds of the county in like manner as other expenses for the maintenance of dependent children under the juvenile court act.

Financial aid.

2803. Any parent, guardian, or other person in the State of Arizona having control of any child between the ages of eight and sixteen years who shall violate the provisions of subdivision (a) of paragraph 2802 shall be punished by a fine of not less than five dollars (\$5) nor more than fifty dollars (\$50), or by imprisonment in the county jail for not less than one nor more than twenty-five days, or by both such fine and imprisonment. And any person, firm, or corporation which shall violate the provisions of subdivision (b) of said paragraph 2802 shall be punished by a fine of not less than ten nor more than three hundred dollars (\$300), or by imprisonment in the county jail for not less than one nor more than ninety days, or by both such fine and imprisonment.

Violations.

2804. (a) It shall be the duty of each attendance officer in his district to see that the provisions of the law regarding the employment of children between the ages of eight and sixteen years during school hours and their attendance at school are complied with. Such officers shall have the powers of deputy sheriffs for the purpose of making arrests for the violation of such laws, and may without a warrant bring children who are absent from school without proper legal excuse before the authorities competent to hear and dispose of such cases, and may enter work shops, factories, stores, and all other places where children may

Enforcement.

be employed in the way of investigation or otherwise to enforce the law.

(b) It shall be the duty of the county attorney in person or by deputy to prosecute all complaints for violation of the laws regarding compulsory attendance at school of children between the ages of eight and sixteen years and regulating the employment of such children.

Approved March 19, 1921.

ARKANSAS.

ACTS OF 1921.

Act No. 100.—*Mine regulations—Maps.*

[This act amends section 7260, Crawford & Moses Digest (sec. 5337, Dig. 1904), and requires maps to be furnished for "each and every coal mine" in the State, regardless of the number of employees, and without an order from the mine inspector. Worked out or abandoned mines are to be reported at once, and maps corrected accordingly. Maps must show location of air bridges, etc. Provision is made for filing, and for penalties for failing to supply maps and corrections.]

Maps required.

Act No. 140.—*Industrial welfare commission—Wages and hours of women.*

[This act amends act No. 191, Acts of 1915, as regards the constitution of the commission named in sections 8 and 9. The name, "industrial welfare commission" is given. It consists of the commissioner of labor and statistics as ex officio chairman, a man and a woman representative of employers and one each representative of employees. Appointments rest with the governor and the commissioner.]

Members of
commission.

CALIFORNIA.

ACTS OF 1921.

CHAPTER 34.—*Stock for employees, etc., of corporations.*

SECTION 1. In all cases and subject to the manner in which corporations are authorized by existing laws to issue or sell shares of their capital stock any corporation may, with the consent of the stockholders under such restrictions as they shall impose, issue by way of additional compensation, or pursuant to sale, shares of its capital stock, whether of an original or of an increased issue, to employees of the corporation and to persons actively engaged in the conduct of its business, or to trustees for such employees or persons; and if such issue be pursuant to sale, such corporation may provide for payment for such stock in installments or at one time, and may provide for aiding any such employees or such persons in paying for such stock by contributions, compensation for services, or otherwise, with or without the right to vote thereon, pending issue thereof, or payment thereof in full. * * *

Issue permitted.

To whom.

SEC. 5. Nothing in this act contained shall be construed to control, limit, or otherwise affect the power of any corporation to issue, by way of sale or otherwise, shares of its capital stock, whether to employees or those actively engaged in the conduct of its business or to other persons.

Act construed.

Approved April 2, 1921.

CHAPTER 99.—*Employment of labor—Employee's time.*

[This act is a repealer only of section 2013 of the Civil Code, which declares what portion of the time of "a domestic servant" and of "other servants" "belongs to the master."]

Act repealed.

CHAPTER 115.—*Seats for employees in elevators.*

SECTION 1. All elevators used for the carriage of passengers shall be provided with a suitable seat for the operator in charge of the same. Failure to comply with this act shall be deemed a misdemeanor and punishable by a fine not exceeding twenty-five dollars for each offense.

Seats required.

Approved May 16, 1921.

CHAPTER 142.—*Homes for workingmen—Investigation.*

SECTION 1. The commission of immigration and housing is hereby directed to investigate the practicability of the State of California assisting workmen to acquire and build homes, and to report to the next session of the legislature a bill or bills embodying a plan and the method of carrying it out whereby, with the assistance of the State, workingmen may acquire lots of ground and build houses thereon, such lots and houses to become homesteads and to be sold on the installment plan.

Investigation.

Report.

Approved May 16, 1921.

CHAPTER 244.—*Sanitation of foundries, etc.*

SECTION 1. The owner, employer, or manager of every foundry or metal shop engaged in the casting, fabricating, or working over in any manner, of iron, brass, steel, or other metal or compound, and where five or more men are employed, shall establish and

Who to act.

Provisions. maintain, for the use of the employees, washbowls, sinks, or other appliances, connected with running water, and also a water-closet connected with running water. The room where the washbowls are installed, and the water-closet shall be kept properly ventilated and protected, so far as may be reasonably practicable, from the dust and fumes of the foundry or metal shop.

Violations. Sec. 2. Whoever fails to comply with the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined not more than one hundred dollars for each offense.

Approved May 24, 1921.

CHAPTER 246.—*Unemployment—Extension of public works.*

Board of control. SECTION 1. It shall be the duty of the board of control to ascertain and secure from the various departments, bureaus, boards, and commissions of this State tentative plans for such extension of the public works of the State as shall be best adapted to supply increased opportunities for advantageous public labor during periods of temporary unemployment; together with estimates of the amount, character, and duration of said employment, the number of employees who could be profitably used therein, together with rates of wages and such other information as the board of control shall deem necessary.

Cooperating agencies. Sec. 2. It shall be the duty of the bureau of labor statistics in cooperation with the immigration and housing commission and the industrial welfare commission, to keep constantly advised of industrial conditions throughout the State as affecting the employment of labor; and whenever it shall be represented to the said bureau by the Governor of the State, or the said bureau shall otherwise have reasons to believe, that a period of extraordinary unemployment caused by industrial depression exists in the State, it shall be the duty of the said bureau to immediately hold an inquiry into the facts relating thereto and to find and report to the governor of the State of California whether, in fact, such condition does exist.

Board to act, when. Sec. 3. In the event that the bureau of labor statistics shall report to the governor that a condition of extraordinary unemployment caused by industrial depression does in fact exist within this State, the said board of control is hereby authorized to make such disposition and distribution of the available emergency fund among the said several departments, bureaus, boards, and commissions of the State, for such extension of the public works of the State under the charge or direction thereof, including the purchase of materials and supplies necessary therefor, as shall, in the judgment and discretion of the said board of control be best adapted to advance the public interest by providing the maximum of public employment, in relief of the existing conditions of extraordinary unemployment consistent with the most useful, permanent, and economic extension of the works aforesaid.

Who to be employed. Sec. 4. It shall be the duty of the commissioner of the bureau of labor statistics, immediately upon the publication, under this act, of a finding that a period of extraordinary unemployment due to industrial depression exists throughout the State, to cause to be prepared by the appropriate departments of his bureau approved lists of applicants for public employment and to secure from such applicants, or otherwise, full information as to their industrial qualifications and to submit the same to the board of control for transmission to such departments, bureaus, boards, and commissions as shall avail themselves of the provisions of this act: *Provided, however,* That preference for employment under this act shall be extended first to citizens of California; second to citizens of other States within the United States who are within the State of California at the time of making their application; and last to aliens who are within the State at the time of making application.

Approved May 24, 1921.

CHAPTER 272.—*Labor organizations—Use of labels, etc.*

SECTION 1. Whoever willfully uses or displays the genuine label, trade-mark, insignia, seal, device, or form of advertisement of any association or labor union in any manner not authorized by such association or labor organization or not in conformity with the by-laws thereof, shall be deemed guilty of a misdemeanor and punished by a fine not exceeding one hundred dollars or by imprisonment for not more than three months, or by both such fine and imprisonment.

Acts forbidden.

Approved May 24, 1921.

CHAPTER 279.—*Minimum wages—Industrial welfare commission.*

[This act amends chapter 324, Acts of 1913. Section 6 is amended by adding San Jose and Fresno to the list of cities in which notices of hearings by the welfare commission are to be advertised; by substituting the county clerk for the recorder as the person to whom notice is to be sent; by requiring notice to be sent to associations of employers and employees regardless of their membership, also to all employers filing requests for same. Corresponding changes are made in subsection (c), relative to the promulgation of orders.

Notices to be sent.

Section 12 is amended so as to read as follows:]

SECTION 12. (a) In every prosecution for violation of any provision of this act, the minimum wage, the maximum hours of work, and the standard conditions of labor fixed by the commission as herein provided, shall be prima facie presumed to be reasonable and lawful and to be the living wage, the maximum hours of work, and standard conditions of labor required herein.

Presumptions.

(b) The findings of fact made by the commission acting within its powers shall, in the absence of fraud, be conclusive: *Provided*, That any person aggrieved directly or indirectly by any final 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 therein or thereby and specified in the application for rehearing within twenty days after the publication thereof as herein provided. Such application for rehearing shall be verified and shall state fully the grounds upon which the application for rehearing is based. The commission, upon considering any such application or applications for rehearing, may either grant the same by order and notice thereof given by mail to the party or parties applying for such rehearing, fix a time for such rehearing, and reconsider its order, rule, or regulation, or it may redetermine the matter upon the record before it and give such notice of its redetermination in the same manner as is herein provided for service of an original order, rule, or regulation; or the commission may deny such rehearing upon the record before it, giving notice of such decision by mail to the applicant or applicants therefor. Such rehearing shall be deemed to be denied unless acted upon by the commission within thirty days after being filed. No rehearing shall be granted except on the grounds that the final order, rule, or regulation was obtained as follows; that is to say—

Rehearings.

That the commission acted without or in excess of its powers
That the order, rule, or regulation was procured by fraud.

The final determination made by the commission shall be subject to review only after application for rehearing as herein provided and the final disposition thereof by the commission, and then only in the manner and upon the grounds following:

Within twenty (20) days from the date of the service of any final order, rule, or regulation any party aggrieved thereby may commence in the superior court in and for the city and county of San Francisco, or of Los Angeles, or of Sacramento, or of Santa Clara, or of Alameda, or of Fresno, an action against the commis-

Court review.

sion for review of its determination. In such action a complaint, which shall state the grounds upon which a review is sought, shall be served with the summons. Service upon the secretary of the commission, or any member of the commission, shall be deemed a complete service. The commission shall serve its answer within twenty (20) days after the service of the complaint, and with its answer shall make a return to the court of all documents and papers on file in the matter, and of all testimony and evidence which may have been taken before it or by it, and of its findings and decision. The action may thereupon be brought on for hearing before the court upon such record by either party on ten (10) days' notice to the other. Upon such hearing the court may confirm or set aside the decision of the commission, but the same shall be set aside only upon the following grounds; that is to say—

1. That the commission acted without or in excess of its powers.
2. That the determination was procured by fraud.

Upon the setting aside of any decision of the commission the court may recommit the controversy and remand the record in the case to the commission for further proceedings. The commission, or any party aggrieved, by a decree entered upon the review herein provided for, may appeal therefrom within the time and in the manner provided for an appeal from the final orders of the said superior courts.

Suspension.

(c) The filing of an application for a rehearing shall have the effect of suspending the order, rule, or regulation affected only with respect to the party or parties applying therefor and for a period of not to exceed ten (10) days unless otherwise ordered by the commission, which shall have the power to grant a further stay upon such terms and conditions as it may direct.

Approved May 24, 1921.

CHAPTER 330.—*Factory, etc., regulations—Elevators.*

Permits, etc.

[This act amends chapter 74, Acts of 1917. Section 1 is amended by adding a requirement that the permit for operation shall be posted in the elevator car. The words "or any safety inspector thereof" are stricken out of the third sentence. Temporary restraining orders are to be issued "in the discretion of the court," on the commission's showing, and no bond is to be required of the commission.]

Inspections.

Section 3 is amended so as to require only annual inspections of all classes of elevators, all permits to be valid for one year.

Revoking certificates.

The amendment to section 4 permits hearings, on request, before an operator's certificate of competency is revoked.

Fees.

Inspection fees, as regulated by section 5, are to be \$3.50 for an inspection, to be charged not more than once a year, unless failure to comply with safety orders necessitates another inspection, when one additional fee per year can be charged.]

CHAPTER 332.—*Protection of employees on buildings—Elevators.*

[This act amends sections 2 and 3, chapter 275, Acts of 1913. Section 2 is amended to read as follows:]

Signals.

SECTION 2. Every hoist hereafter used in buildings during the course of construction shall have a system of signals for the purpose of signaling the person operating or controlling the machinery which may operate or control the hoist. And it shall be the duty of the person in charge of such building to appoint one or more persons to give such signals, such person to be selected from those most familiar with the work for which said hoist is being used. The signaling devices provided shall be protected against unauthorized or accidental operation. The industrial accident commission shall within six months after this act takes effect make and enter its general safety order or orders in the manner prescribed by law, and may from time to time thereafter amend such orders in the manner prescribed by law for the making of

Orders

general safety orders specifying and fixing the nature and method of signals and signaling devices and uniform signals to be used in this state under the provisions of this act. Until such general safety order or orders are so adopted, such signals and signaling devices shall be governed by safety order number one thousand one hundred fifteen of the general construction safety orders of the industrial accident commission as in effect at the time of the passage of this act.

[The only amendment to section 3 consists in substituting the industrial accident commission for the commissioner of the bureau of labor statistics (no longer in existence) as the inspecting officer.]

Enforcement.

Approved May 18, 1921.

CHAPTER 333.—*Protection of employees on buildings—Scaffolds.*

[This act amends section 1 of chapter 48, Acts of 1913, by striking out the requirements as to bearing "any sudden strain" and authorizing the industrial accident commission to issue supplemental orders and enforce them and the act. The act applies to scaffolds, etc., 10 feet or more from the ground instead of 20 feet as formerly, and the safety rail is to rise 42 inches from the floor of the scaffolding instead of 34.]

Amendment.

Height, etc.

CHAPTER 334.—*Protection of employees on buildings—Temporary floors.*

[This act amends chapter 590, Acts of 1911, so as to read as follows:]

SECTION 1. Any building more than two stories high in the course of construction shall have the joists, beams, or girders of floors below the floor or level where any work is being done, or about to be done, covered with flooring laid close together, or with such other suitable material as will protect workmen engaged in such building from falling through joists or girders, and from falling planks, bricks, rivets, tools, or any other substance whereby life and limb are endangered, as follows:

Floors required, when.

(a) Any such building which is of reinforced concrete construction, with reinforced concrete floors, shall have the floor filled in either with forms or concrete on each floor before the commencement of work upon the walls of the second floor above, or the commencement of work upon the floor of the next floor above. Any building having wooden floors, other than a steel frame building, shall have the underflooring, if double flooring is to be used, laid on each floor within the time hereinabove described for reinforced concrete floors. Where single wooden floors are to be used, each floor shall be planked over within the time hereinbefore prescribed.

Concrete floors.

Wooden floors.

(b) If such building has a structural frame of iron or steel, the entire floor of every second story, except such space as may reasonably be required for the proper construction of such building, shall be thoroughly covered with planks tightly laid together, so that workmen shall have at all times planked floors within two stories below them.

Iron or steel frame.

(c) If a span of a floor exceeds thirteen (13) feet, an intermediate beam shall be used to support the temporary flooring: *Provided, however,* That spans not to exceed sixteen (16) feet may be covered by three (3) inch planks without such beam. Such intermediate beam shall be of a sufficient strength to sustain a live load of fifty (50) pounds per square foot of the area supported.

Span.

(d) If the distance between planked floors in any building or structure exceeds twenty-five (25) feet, intermediate flooring or safety nets shall be provided, which shall be fixed not to exceed twenty-five (25) feet below a floor upon which work is being performed and as close to such floor as practicable.

Height.

- Workers. (e) The erection gang shall at all times have a planked floor below them not more than two stories distant.
- (f) The riveting gang and steel painters shall at all times have a planked floor below them not more than two stories distant. Men working below riveting gangs shall at all times be protected from falling objects by having a planked floor between them and the riveting gangs.
- Suspension of operations. (g) If building operations are suspended and the temporary flooring hereinbefore required is removed, upon the resumption of work, in case of such suspension, the building must be replanked so that every man at work shall have a covered floor not more than two floors below.
- Sections. (h) Where a building is being constructed in sections each section shall constitute a building for the purpose of this act.
- Spliced columns. SEC. 2. Where such building has a structural frame of iron or steel and the iron or steel columns are spliced at every story the erection gang shall in no case be more than two stories distant from the riveting gang. If the columns are spliced every second or third story the erection gang shall in no case be more than four stories distant from the riveting gang.
- Floors. SEC. 3. Planked floors shall consist of planks tightly laid together of number one common lumber, not less than two inches thick and eight inches wide, free from protruding nails or other objects. Nets shall consist of at least one and one-half inch manila rope with three-quarter inch borders and four by four inch mesh. The borders of the nets shall be provided with loops so that they can be readily combined or attached to convenient points on the structural frame.
- Acts forbidden. SEC. 4. No owner, agent of the owner, general contractor, contractor, subcontractor, or other person shall proceed with any work assigned to or undertaken by him, or require or permit any other person to proceed with work assigned to or undertaken by either, unless the planking or nets required by this act are in place. Violation of this section shall constitute a misdemeanor.
- Enforcement. SEC. 5. It shall be the duty of the industrial accident commission to enforce the provisions of this act.
- Approved May 18, 1921.

CHAPTER 366.—*Employment of aliens in public service.*

[This acts amends chapter 417, Acts of 1915, by adding a provision permitting aliens to be employed in public service "in an emergency when it is necessary to protect life, health or property against fire, flood or other calamity arising from natural causes."]

CHAPTER 396.—*Railroads—Provisions for accidents—First aid.*

- Package. SECTION 1. Every steam railroad company, or the receiver or receivers of any steam railroad, operating trains, in whole or in part, within the State of California, shall provide a package containing the articles hereinafter stated, on each steam train or light steam engine, for first aid to persons who may be injured in the course of the operation of such train or trains.
- Contents. SEC. 2. Every such package shall include the following and such other articles and equipment as may in the judgment and discretion of the management of the steam railroad or the medical department thereof be useful for the intended purpose:
- A standard package to contain two (2) pieces of sterile gauze, one (1) ribbon bandage, one (1) triangular cambric picture bandage in aseptic container, six (6) of these packages to make up one (1) first-aid kit which shall contain written instructions for the use of such contents.
- Report of use. SEC. 3. The employee of the steam railroad in charge of the steam train or steam engine shall report to the office designated by the company whenever any such kit has been opened for use.

SEC. 4. Any steam railroad company, or the receiver or receivers, or employee of a steam railroad company, who shall fail to comply with the provisions of this act shall be liable to a penalty of not less than five nor more than twenty-five dollars, and each day's violation shall constitute a separate offense: *Provided, however,* That the steam railroad company, or receiver or receivers, shall be allowed not to exceed three days without penalty to replace any package or packages after the use of same has been reported by the employees in charge of said steam train or steam engine.

Approved May 24, 1921.

CHAPTER 604.—*Department of labor and industrial relations.*

[This act adds Article IIe, embracing sections 364 to 364d, to the Political Code, as follows:]

SECTION 364. A department of the government of the State of California to be known as the department of labor and industrial relations is hereby created. The department shall consist of the following governmental agencies of the State of California, to wit: The industrial accident commission, the commission of immigration and housing, the industrial welfare commission, and the bureau of labor statistics. Said department shall be divided into four divisions as follows:

(1) The division of workmen's compensation insurance and safety, which shall be administered by the industrial accident commission and shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities, and jurisdiction now or hereafter conferred by law upon the industrial accident commission.

(2) The division of immigration and housing, which division shall be administered by the commission of immigration and housing and shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities, and jurisdiction now or hereafter conferred by law upon the commission of immigration and housing.

(3) The division of industrial welfare, which division shall be administered by the industrial welfare commission and shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities, and jurisdiction now or hereafter conferred by law upon the industrial welfare commission.

(4) The division of labor, which division shall be administered by the commissioner of labor statistics and shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities, and jurisdiction now or hereafter conferred by law upon the commissioner of labor statistics and the bureau of labor statistics.

Sec. 364a. On or before the first day of October, 1921, and on or before the first day of January of each and every year thereafter, and at such other times in case of a vacancy, each of divisions one, two, and three shall designate one of its members as its representative on the department of labor and industrial relations; and the chief of the division of labor shall be the representative of the division of labor. Such representatives shall meet at a place to be designated by them at least once each month or oftener at the call of any two members. At their first meeting which shall be held during the month of October, 1921, they shall organize by electing one member as chairman and one as secretary. It shall be the duty of the secretary to keep a minute record of the proceedings of each meeting.

At each meeting of the department there shall be presented for determination all problems involving conflict of authority or activity of two or more divisions and the department shall hear, consider, and act upon any complaint or complaints of duplication of activities.

Violations.

Agencies created.

Divisions.

Representatives.

Jurisdiction.

- Adjustments.** Sec. 364b. The said department of labor and industrial relations shall make and promulgate rules and regulations that will eliminate overlapping and duplication of the activities of the several divisions and may provide for the transfer of functions and activities from one division to another in the interest of the betterment of the service of such division or divisions.
- Funds.** Sec. 364c. [This section merely allocates funds now or hereafter available for the various divisions, according to the organization above provided for. It also authorizes the department of industrial relations, with the approval of the board of control, to transfer funds when any transfer of duties is effected.]
- Report.** Sec. 364d. The department of labor and industrial relations shall submit a report to the governor and to the forty-fifth session of the legislature embodying a complete plan of reorganization and departmentalization of the activities herein mentioned.
- Approved May 31, 1921.

CHAPTER 617.—*Miners' hospital.*

- Act repealed.** [This act is a repealer only of an act of March 14, 1881 (Act No. 2224, Sims' General Laws), which provided for the establishment and maintenance by the State of a miners' hospital.]

CHAPTER 619.—*Arbitration of labor disputes—State board.*

- Act repealed.** [This act is a repealer only of an act of March 10, 1891 (Act No. 219), Sims' General Laws.]

CHAPTER 701.—*Factory, etc., regulations—Bakeries.*

- Scope of act.** SECTION 1. Any building, or portion of any building, occupied or used as a bakery, wherein is carried on the business of the production, preparation, storage, or display of bread, cakes, pies, and other baking products intended for sale for human consumption, shall be clean, properly lighted, drained, and ventilated.
- Equipment.** Every such bakery shall be provided with adequate plumbing and drainage facilities, including suitable wash sinks, toilets, and water-closets. All toilets and water-closets shall be separate and apart from the rooms in which the bakery products are produced or handled. All wash sinks, toilets, and water-closets shall be kept in a clean and sanitary condition and shall be in well-lighted and ventilated rooms. * * * Rooms shall be provided for the changing and hanging of wearing apparel apart and separate from such workrooms, and such rooms, as so provided for the changing and hanging of wearing apparel, shall be kept clean at all times.
- Employees.** SEC. 3. No employee or other person shall sit or lie upon any of the tables, benches, troughs, shelves, et cetera, which are intended for the dough or bakery products. * * * Before beginning the work of preparing, mixing, and handling the ingredients used in baking, every person engaged in the preparation or handling of bakery products shall wash the hands and arms thoroughly and rinse in clean water; and for this purpose sufficient wash basins and soap and clean towels shall be provided. Every person engaged in such work shall wash the hands and arms after using toilet rooms and water-closets. Employees or other persons affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis or consumption, bubonic plague, Asiatic cholera, leprosy, typhoid fever, epidemic dysentery, measles, mumps, whooping cough, chickenpox, or any other cutaneous or infectious disease, shall not work or be permitted to work in any such bakeries or be permitted to handle any of the products therein or delivered therefrom. Any person engaged in any of the work above mentioned, who knowingly is infected with any of the diseases specified in this section, or any employer who knowingly employs such person, shall be deemed guilty of
- Cleanliness.**
- Disease.**

violating the provisions of this act and shall be subject to the penalties provided for violation thereof. The State board of health shall make all necessary rules for carrying into effect the foregoing section.

Approved June 2, 1921.

CHAPTER 758.—*Vocational rehabilitation—State and Federal co-operation.*

[This act embodies in general the standard provisions of law on this subject (see pp. 37, 38). The sum of \$35,000 is appropriated annually for three successive years to carry out the purposes of the act.]

Standard law.

CHAPTER 765.—*Hours of labor of drug clerks.*

[This act amends Act No. 2665, Sims' General Laws as amended by chapter 225, Acts of 1907, by reducing the maximum hours of employment of drug clerks from 10 per day and 60 per week to 9 per day and 54 per week.]

Work time.

CHAPTER 767.—*Labor camps—Sanitation, etc.*

[This act amends sections 2, 3, and 7 of chapter 182, Acts of 1913, so as to read as follows:]

SEC. 2. Every bunk house, tent, or other sleeping place used for the purpose of a lodging or sleeping apartment in such camp shall contain sufficient air space to insure an adequate supply of fresh air for each person occupying such bunk house, tent, or other sleeping place. Suitable bunks or beds shall be provided for all employees. Such bunks or beds shall be made of steel, canvas, or other sanitary material, and shall be so constructed as to afford reasonable comfort to the persons occupying same. A clear space of at least twenty inches extending from the floor to the ceiling or roof of any bunk house, tent, or other sleeping place must be allowed between each bed or bunk in any bunk house, tent, or sleeping place. Upon request of an employee he must be supplied with a mattress or some equally comfortable bedding for which a reasonable charge may be made, the same to be deducted from his wages. When straw or other substitute for a mattress is used a container or tick must be provided.

Sleeping places.

SEC. 3. Every mess house, dining room, mess tent, dining tent, kitchen, or other structure where food is cooked, prepared, or served in such camp shall be kept in a clean and sanitary state, and the opening of such structure shall be screened. All dishes, cooking utensils, or other vessels in which food is prepared or kept or from which food is to be eaten, and all knives, forks, spoons, and other implements used in the eating of food must be kept in a clean, unbroken, and sanitary condition.

Eating places.

SEC. 7. The commission of immigration and housing of California shall administer this act and secure the enforcement of the provisions thereof, and for such purposes the officers and agents of the said commission shall have the right to enter upon either public or private property within the State to determine whether or not there exists upon such property any camp to which the provisions of this act may apply; and to enter and inspect all camps within the State of California wheresoever the same may be situated, and to inspect all accommodations, equipment, or paraphernalia connected therewith; and to enter upon and inspect all adjacent land surrounding the said or any such camp to determine whether or not the sanitary and other requirements of this act have been or are being complied with. Any camp coming under the provisions of this act which does not conform to the provisions of this act is hereby declared a public nuisance, and if not made to so conform within five days or within such longer period of time as may be allowed by the commission of immigra-

Enforcement.

tion and housing, after written notice given by the said commission, shall be abated by proper action brought for that purpose in the superior court of the county in which such camp, or the greater portion thereof, is situated.

For the purpose of securing the enforcement of this act the officers and agents of the commission of immigration and housing of California shall have the power and authority of sheriffs and other peace officers to make arrests, to serve any process or notice throughout the State of California, and to use such other power and authority as is vested in sheriffs and other peace officers, and as may become necessary in securing the enforcement of this act.

Approved June 3, 1921.

CHAPTER 885.—*Employment of children—School attendance.*

Part-time classes. [This act amends Act No. 3574, General Laws, as amended by chapter 253, Acts of 1919. Section 1 is amended so as to require children granted work permits under the act to attend part-time classes as provided for persons 16 to 18 years of age by chapter 506, Acts of 1919.

Sections 3a, 3b, 3c, and 3d are amended so as to read as follows:]

Work permits. SECTION 3a. *First.*—The superintendent of schools of any city or any city and county or of any county (over such portions of any county as are not within the jurisdiction of any superintendent of city schools), or a person authorized by him in writing, shall have authority to issue to certain minors permits to work as herein specified:

(1) To a minor under the age of sixteen years and over the age of fifteen years who has completed the equivalent of the seventh grade of a public-school course.

(2) To a minor under the age of sixteen years and over the age of fourteen years who holds a diploma of graduation from the prescribed elementary-school course: *Provided*, That a permit of this class shall be issued only when the parent or parents, or foster parent or foster parents, or guardian of the minor child shall present a sworn statement that the parent or parents, or foster parent or foster parents, or guardian of such minor is incapacitated for labor through illness or injury, or that through the death or desertion of the father of such minor the family is in need of the earnings of such minor and that sufficient aid can not be secured in any other manner. The person issuing a permit under this paragraph shall make a signed statement that he, or a competent person designated by him, has investigated the conditions under which the application for such permit has been made, and has found that in his judgment the earnings of such minor are necessary for such family to support such minor and that sufficient aid can not be secured in any other manner, and in no case shall such permit be issued for a period of time to exceed six months from the date of issuance.

Evidence. *Second.*—No permit as hereinbefore described may be issued until the minor in question, accompanied by his parent or guardian, shall appear before the person authorized to issue such permits and make application therefor, and no permit may be issued until the issuing authority has received, examined, approved, and filed the following papers duly executed:

(1) The school record of such minor, giving age, grade, and attendance for the current term, signed by the principal or teacher.

(2) Evidence of age, such as the school record of enrollment, or a certificate of birth, or a baptism certificate duly attested, or a passport, or affidavit of the parent, guardian, or custodian of such minor, such as shall convince such officer that the minor is of the age required by law.

(3) The written statement from a prospective employer that work is waiting for the minor and describing the nature of such work.

(4) A certificate signed by a physician appointed by the school board, or by other public medical officer, stating that such minor has been thoroughly examined by him and in his opinion is physically fit to pursue the work specified: *Provided, however,* That no fee shall be charged the minor for such physician's certificate.

The parent, guardian, or custodian accompanying the minor shall make oath that his statement of the name, address, birth-place, and age of the minor in question as entered upon such application are true and correct to the best of his knowledge and belief.

Third.—The person authorized to issue permits to work to minors under the age of sixteen years exempting such minors from full-time day-school attendance may also issue to any minor over the age of fourteen years a permit to work outside of school hours for a period of time which when added to the time such minor is required by law to attend school shall not exceed eight hours in any one day: *Provided,* That the person issuing any such permit to work outside of school hours shall immediately notify in writing the principal of the school which the minor is attending, and if at any time the teacher of such minor can show to the satisfaction of the person issuing such permit to work that the school work or the health of such minor is being impaired by such employment the authority issuing such permit may revoke the same.

Fourth.—Upon the recommendation of the principal of the school which any minor over the age of fourteen years is attending and has been attending during the next preceding school year, the supervisor of attendance or, where such school officer does not exist, the superintendent of schools having jurisdiction over the place of such school attendance may assign such minor to a vocational course in a place of employment, such employment to be in lieu of the regular school course which such minor is pursuing: *Provided,* That such assignment shall not be made until the recommendation of the school principal has been approved by the superintendent of public instruction and until a permit to work has been issued to such minor by the person authorized to issue permits to work as described in section three *a first* of the act. Such permit to work shall specify the hours which the minor in question shall be required to attend part-time continuation classes. Any minor assigned to a vocational course as hereinbefore described shall be continued under the jurisdiction of the school last attended and may at any time be returned to the classes therein by the supervisor of attendance making such assignment when in the judgment of such supervisor of attendance it is deemed that the educational, physical, or moral interests of the minor in question would be best served thereby.

Fifth.—The authority issuing any permit to work which exempts the minor from full-time day-school attendance shall immediately notify in writing the person in charge of the organization and maintenance of part-time continuation classes of the place of the minor's prospective employment, and the parent or guardian of the minor shall be required to send such minor to the classes thus designated.

Sec. 3b. First.—Any minor over the age of twelve years and under the age of sixteen years who holds a vacation permit as hereinafter provided may be employed on the regular weekly school holiday and during the regular vacation of the public school and during the period of a specified occasional public-school vacation in any of the establishments or occupations not otherwise prohibited by law. Vacation permits shall be signed by the principal of the school which such minor is attending or has attended during the term next preceding any such vacation, or if such school is not in session by the custodian of the school records of such school, from which records the age of the minor shall be transcribed. Such permit shall contain the name and age of the minor to whom it is issued and, when issued for the

regular vacation, the date of the termination of the vacation for which it is issued; and when issued for the regular weekly school holiday, the termination of the school year for which it is issued: *Provided*, That for employment in a mill, cannery, workshop, factory, or manufacturing establishment the age of the minor shall be established as in the case of the issuance of the permits to work as specified in section three *a second* of this act.

Age certificate.

Second.—The person authorized to issue permits to work or to employ shall have authority to issue to any minor a certificate of age when the minor in question, accompanied by his parent or guardian or other person in control or charge of such minor, shall present to the authority thus authorized evidence of age as specified under subdivision second of section three *a* of this act. Such certificate of age shall serve as a permit to employ a minor who was not in attendance upon any California school in the next preceding school term and who would otherwise be required to hold a vacation permit as described in section three *b first* of this act.

Permits to employers.

SEC. 3c. First.—The person authorized to issue permits to work as specified in section three *a first* of this act shall have authority to issue to any employer a permit to employ any minor who has been granted a permit to work as provided by the provisions of section three *a* of this act or who has been assigned to a vocational course in a place of employment as specified in section three *a fourth* of this act: *Provided*, That no permit to employ as specified in this section shall be issued except upon a statement signed by the prospective employer that work is awaiting the minor in question and describing the nature of such work. Such permit shall contain (1) the name and address of the employer, (2) the name, age, and address of the minor, (3) the kind of work for which the permit is issued, (4) the place and hours of compulsory part-time school attendance for the minor or statement of exemption therefrom, the hours of compulsory full-time school attendance for the minor if the permit is issued for outside of school hours, and (5) the date on which the permit expires.

False certifications.

Second.—Every person authorized to sign any certificate of age or any permit to work or to employ which allows the employment of any minor during or outside school hours or during a vacation of the public schools or upon the regular weekly school holiday, as prescribed by this act, who knowingly certifies to any false statement therein is guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than five or more than fifty dollars, or imprisonment for not more than thirty days, or to both such fine and imprisonment.

Act construed.

Third.—Nothing in this act shall be construed to repeal or in any way modify the provisions of sections fourteen and sixteen of * * * [chapter 625, Acts of 1915], or the provisions of sections three and one-half and five of * * * [chapter 259, Acts of 1919].

Duty of employers.

SEC. 3d. First.—No person, firm, or corporation shall employ, suffer, or permit any minor under the age of sixteen years to work in or in connection with any establishment or occupation except as provided in subdivision *third* of section 3c of this act, without a permit to employ, or a vacation permit issued by the proper educational officers in accordance with law. Every person, firm, corporation, or agent, or officer of a firm or corporation, employing minors under the age of sixteen years shall keep a separate register containing the names, ages, and addresses of such minor employees and shall post and keep posted in a conspicuous place in every room where such minors are employed a written or printed notice stating the working hours per day for each day of the week required of such minors, and shall keep on file all permits to employ or vacation permits required by this act for minors under the age of sixteen years. Such records and files shall be open at all times to the inspection of the school attendance and probation officers and the

officers of the State bureau of labor statistics, of the superintendent of public instruction, and of the State board of education. All permits to employ shall be kept on file by the employer during the term of such employment, and within five days after the termination thereof notification on the forms and in the manner prescribed on such permit to employ shall be sent by the employer to the supervisor of attendance of the place of such employment. Such notification shall contain the latest correct address of such minor known to such employer. All vacation permits shall be kept on file by the employer during the term of employment of the minors granted such vacation permits and at the termination of such employment shall be returned to the minors in question.

Second.—Any person, firm, corporation, agent, or officer of a firm or corporation that violates or omits to comply with any of the provisions of this act, or that employs or suffers or permits any minor to be employed in violation thereof, is guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars or more than two hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment, for each and every offense. A failure to produce any permit to employ or vacation permit to work or other permit issued under the provisions of this act or to post any notice required by this act shall be prima facie evidence of the illegal employment of any minor for whom a permit to employ is not produced.

Third.—No minor having a permit to work as hereinbefore described and no other minor under sixteen years of age, who would be required by law to attend school, shall be out of school and unemployed for a period longer than ten consecutive days while the public schools are in session, but must enroll and attend school: *Provided*, That within five days after any minor shall have ceased to be employed by any employer or shall have ceased to attend any school, such employer or school principal shall, in writing, notify the supervisor of attendance of the school district in which such minor was employed or has been attending school, giving the latest correct address of such minor known to such employer or such principal; and such supervisor of attendance shall thereupon immediately notify the supervisor of attendance having jurisdiction in the place of such minor's residence giving the latest known correct address of such minor and stating that such minor is out of work or has dropped out of school.

Fourth.—All permits to work or to employ and all certificates of age granted under this act and certificates of health required under this act shall be issued on forms prepared and provided by the superintendent of public instruction. Such permits and certificates of age shall be subject to cancellation at any time by the superintendent of public instruction or by the commissioner of the bureau of labor statistics or by the person issuing the same whenever any such officer or person shall find that the conditions for the legal issuance of such permits or certificates of age do not exist or never have existed. Such permits shall be always open to inspection by attendance or probation officers, by officers of the State bureau of labor statistics, and by officers of the superintendent of public instruction.

Fifth.—Each application for a permit to work or to employ or for a certificate of age shall be acted upon within three days after the date of such application. The person authorized to issue permits to work or to employ or certificates of age shall have authority to administer the oaths necessary for carrying out the provisions of this act, but no fees shall be charged for administering such oaths or issuing such permits or certificates.

Sixth.—An annual report of all permits to work and to employ issued during the year shall be made by the issuing authority to the county or city and county superintendent of schools, such reports to be upon forms prepared and provided by the superintendent of public instruction. The superintendent of schools of

Violations.)

Minor to work or attend school.

Notice of end of employment, etc.

Forms.

Cancellation.

Act in three days.

Oaths.

Fees.

Reports.

each county or city and county shall include in his annual report to the superintendent of public instruction a summary of all such reports.

Approved June 3, 1921.

CHAPTER 897.—*Sanitary provisions for employees in moving-picture theaters.*

Toilets, etc. [This act requires toilet facilities, with running water if available, otherwise a dry closet, for the convenience of operators in theaters and moving-picture houses.]

CHAPTER 900.—*Railroads—Safety provisions for engine cabs.*

Handrails. SECTION 1. Every railroad company operating engines within any part of this State shall provide each engine cab with a substantial and safe handrail along the top on each side of the cab and extending from the front to the rear of the cab; and every engine cab other than one having front windows of not less than fourteen inches in width and forty-two inches in height shall be provided and equipped with a substantial and safe footboard, of not less than one and one-half inches, projecting outward from each side of the cab level with the floor and extending from the front to the rear of the cab. The foregoing construction or equipment shall be installed on each engine not later than December 31, 1922.

Violations. SEC. 2. Any railroad company, or receiver or receivers thereof, that shall fail to comply with the provisions of this act shall be fined one hundred dollars for each offense: *Provided, however,*

Exception. That the provisions of this act shall not apply to any railroad company; [sic] that within sixty days from the date of approval of this act, shall issue in writing and thereafter maintain in force an order forbidding the engine or train crew to go from the engine cab to that portion of the engine in front of the cab while the engine is in motion.

Approved June 3, 1921.

CHAPTER 901.—*Wages—Deductions for tardiness.*

Deductions proportionate. SECTION 1. The Civil Code is hereby amended by adding thereto a new section to be numbered two thousand four, to read as follows:

Proviso. SEC. 2004. There shall not be deducted from the wages of an employee on account of the employee's coming late to work a sum in excess of the proportionate wage which would have been earned during the time actually lost: *Provided,* That for a loss of time less than thirty minutes a half hour's wage may be deducted.

Approved June 3, 1921.

CHAPTER 902.—*Railroads—Safety provisions for engine cabs.*

Cut in roof. SECTION 1. On any railroad train where the engine is accompanied by a tender of the Vanderbilt or similar types of construction and where the clearance between the overhang of the roof of the cab of the engine and the top of the tender accompanying such engine is less than twenty-eight inches, there shall be cut out in the overhang of the roof of the cab an opening not less than twenty-four inches square, for the purpose of enabling an engine-man with safety to go from the cab of the engine to the top of the tender.

Violations. SEC. 2. Any railroad company operating a line in whole or in part within this State, or any receiver or receivers of any railroad, that fails to comply with the provisions of this act, shall be fined not less than fifty dollars for each offense, and each day that such failure continues shall constitute a separate offense.

Approved June 3, 1921.

CHAPTER 903.—*Employment of women—Moving boxes, etc.*

SECTION 1. Boxes, baskets, or other receptacles which with their contents weigh seventy-five pounds or over and which are to be moved by female employees in any mill, workshop, packing, canning, or mercantile establishment shall be equipped with pulleys, casters, or other contrivances connected with or upon which such boxes or other receptacles are placed so that they can be moved easily from place to place in such establishments.

Pulleys, etc.,
when.

SEC. 2. No female employee shall be requested or permitted to lift any box, basket, bundle, or other receptacle or container which with its contents weighs seventy-five pounds or over. Whoever violates the provision of this act shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding fifty dollars for every day during which there shall be a failure to equip or provide such boxes, baskets, or other receptacles with some one of the appliances specified in section one of this act.

Limit of
weight.

Violations.

Approved June 3, 1921.

CHAPTER 904.—*Inspection of steam boilers.*

[This act is a repealer only of chapter 202, Acts of 1917.]

COLORADO.

ACTS OF 1921.

CHAPTER 66.—*Mine regulations—Coal mines.*

[This act amends various sections of chapter 56, Acts of 1913.

Section 42 is amended by requiring all certificates of mine examiners, etc., to be posted in the mine office. Posting certificates.

Section 44 is amended by making mine officials certified under laws of Montana, Utah, and Wyoming eligible for employment in Colorado. Certified officials.

Section 163 now permits the investigation of fatal accidents in outlying districts to be made by a local investigator, instead of by the State inspector or his deputy. Investigation of accidents.]

CHAPTER 177.—*Mine regulations—Metalliferous mines.*

[This act amends various sections of the Revised Statutes of 1908. Those of importance are an amendment of section 4282, forbidding the use of a metal tamping bar in loading a hole with dynamite, black powder, or other explosive; of section 4303, requiring notice of accidents to be in writing, or if fatal, by telegraph or telephone; and of section 4304, authorizing the commissioner of mines to make rules and regulations having the force of law for carrying out the provisions of the statute, and providing for an inquest in case of fatal accidents.] Tamping bars.
Accidents.
Rules.

CHAPTER 252.—*Industrial commission—Employment relations.*

[This act amends various sections of chapter 180, Acts of 1915, which defines employment relations, provides for safety, and for workmen's compensation.

Section 4 is amended by extending the law to cover "work places, works and plants" appertaining to or used in connection with principal places of employment, "except as otherwise expressly provided in this act"; also by adding the words "job or position," to the definition of the word "employment." Municipal subdivisions, etc., must have four or more employees to come under the act, the same as private employers. Elective officials and members of the National Guard are excluded. Scope of act.

Section 6 now requires the approval of the governor and compliance with the civil service laws for the appointment of employees of the commission. Employees.

SECTION 11 (f). Rules and amendments become effective ten days after adoption and posting at the office of the commission, instead of ten days after publication. Rules effective.

The same change is made in section 12, in regard to general orders.

Section 19 authorizes the commission to treat and file any information or part thereof as confidential, and not open to the public, thus giving it discretion in the matter. Matters confidential.

Section 21 penalizes the refusal to exhibit books, records, pay rolls, etc., as well as refusing admission to place of employment. The penalty is not less than \$50 for each day the offense continues. Penalties.

Amendments to sections 23 and 25 relate to procedure.

Sections 29, 30, 31, 32, and 33 relate to the adjustment of labor disputes. In their present form they read as follows:]

SEC. 29. The industrial commission shall have jurisdiction of every dispute between employer and employee affecting conditions to disputes. Jurisdiction as to disputes.

tions of employment, or with respect to wages or hours, and such jurisdiction shall continue until after final hearing of such dispute and the entry of final award therein, or until said commission shall enter an order disposing of or terminating such jurisdiction. The relation of the employer and employee shall continue uninterrupted by the dispute or anything arising out of the dispute until the final determination thereof by said commission, and neither the employer nor any of the employees affected by any such dispute shall alter the conditions of employment with respect to wages or hours or any other condition of said employment; neither shall they nor any of them on account of such dispute do or be concerned in doing directly or indirectly anything in the nature of a lockout or strike or suspension or discontinuance of work or employment.

Notice.

Employers and employees shall give to the industrial commission and the one to the other at least thirty days' prior written notice of an intended change affecting conditions of employment or with respect to wages or hours.

Notice by the employer to his employees shall be given by posting and keeping posted copies of such written notice in and about the several places of employment in conspicuous places and in a sufficient number of places frequented by employees as to reasonably notify such employees. Notice from employees to employer shall be given by serving a copy of such notice upon said employer in the same manner as summons is served in a civil action in a court of record or by mailing a copy thereof by prepaid mail to such employer at his business address in this State.

Such notice by an employer shall be signed by said employer or some officer of such employer, if a corporation, and notice by said employees shall be signed by said employees or members of a committee of said employees authorized for such purpose.

Notice on said commission may be served by delivering a copy of such notice personally to the secretary or any member of said commission, or by prepaid mail delivered to the office of said commission in Denver, Colorado.

Such notice shall set forth the facts, issues, or demands involved in the controversy or dispute, and each party to such dispute shall from time to time furnish the commission such information within the time and as may be requested by said commission.

Delay.

If either party uses this or any other provision of this act for the purpose of unjustly maintaining a given condition of affairs through delay, such parties shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$100.

The commission shall proceed with reasonable diligence in hearing all disputes and shall render a final award or decision therein without unnecessary delay.

Acts unlawful.

SEC. 30. It shall be unlawful for any employer to declare or cause a lockout or for any employee to go on strike, on account of any dispute, prior to or during an investigation of such dispute by the commission or the board under the provisions of this act: *Provided*, That nothing in this act shall prohibit any employee or employees from quitting work for any reason not in violation of law if such action is not in the nature of or does not constitute a strike: *And provided further*, That nothing herein shall prohibit any employer from discharging any employee or employees for any reason not in violation of law if such action is not in the nature of or does not constitute a lockout: *And provided, however*, That nothing in this act shall prohibit the suspension or discontinuance of any industry or any part of the activities of an industry for any cause not constituting a lockout.

Parties may act.

SEC. 31. Nothing in sections 29 and 30 of this act shall be construed to make any findings, determination of the rights of the parties, decision or award of said commission or of any board of arbitration appointed thereby upon the facts of any such indus-

trial dispute, binding, conclusive, or enforceable upon any of the parties thereto or affected thereby, nor be held to restrain any employer from declaring a lockout, nor any employee from going on strike, in respect to any dispute, after the same has been duly investigated and the findings, order, or award of the commission made thereon under the provisions of this act, unless such parties have in writing agreed to accept and be bound by the terms of such findings, decision, or award.

No petition for a hearing on the reasonableness of any such finding, order, or award, nor for the rehearing or review of such findings or award shall be filed or entertained, nor shall any suit or proceeding be brought or commenced to review any such finding, order, or award unless such parties have agreed to be found by such findings, order, or award as in this section provided.

SEC. 32. The people of the State of Colorado, ex rel. the Industrial Commission of Colorado, as petitioners, may file in the District Court of the City and County of Denver, or of any county in which the place of employment or any part thereof is situated, a verified petition against any employer or employers or any employee or employees, or both employer and employees, as respondents, and setting forth any violation or threatened or attempted violation of any provision of section 29 or 30 of this act and thereupon, without bond and without notice, such district court shall issue its mandatory writ enjoining the alleged violations, or attempted or threatened violations of this act and ordering and requiring such respondent or respondents to maintain all the conditions of employment in statu quo and without change until after the dispute or controversy between said employer or employers and said employees has been investigated and heard by said commission and the final findings, decision, order, or award of said commission made and entered therein. Any respondent may move such court to dissolve such mandatory writ as to such respondent and upon at least five days' previous notice to the commission such motion shall be set down for hearing, but such mandatory writ shall not be dissolved without proof of full compliance by such respondent with all the provisions of this act and orders of the commission, and that the continuance in effect of such mandatory writ is causing or will cause such respondent great and irreparable injury, and the court may require such security of said respondent as the court shall determine adequate to enforce obedience to the provisions of this act on the part of such respondent before such mandatory writ shall be dissolved.

SEC. 33. Any employer declaring or causing a lockout contrary to the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$1,000 or by imprisonment in the county jail for a term of not more than six months or both such fine and imprisonment in the discretion of the court, and each day or part of a day that such lockout exists shall constitute a separate offense hereunder.

Any employee who goes on strike contrary to the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$50, or by imprisonment in the county jail for a term of not more than six months, or both such fine and imprisonment in the discretion of the court, and each day or part of a day that the employee is on strike shall constitute a separate offense hereunder.

Any person who incites, encourages, or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike, contrary to the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for a term of not more than six months, or both such fine and imprisonment, in the discretion of the court.

Review.

Enforcement.

Lockouts.

Strikes.

Incitement.

[Minor changes as to enforcement, etc., are made in sections 43 and 46. No attorney general or district attorney or their deputies or assistants may appear in any proceeding in which the commission is interested, except for or on behalf of the commission or its members or employees (sec. 47).]

Approved April 4, 1921.

CONNECTICUT.

ACTS OF 1921.

CHAPTER 119.—*Payment of wages, etc., due deceased employees.*

SECTION 1. Section 4002 of the General Statutes is amended to read as follows:

SECTION 4002. Whenever any person shall die leaving a deposit in any bank or trust company located in this State, or any unpaid wages due from any corporation, firm, individual, or joint-stock company, association, or partnership located in this State, or shall be entitled to a death benefit payable from any fraternal order or shop society, without having named a beneficiary entitled under the by-laws, rules, and regulations of such order or society to receive such death benefit, and the amount of such bank deposit, unpaid wages, or death benefit shall not exceed the sum of three hundred dollars, and no will of such decedent is presented for probate or administration granted on his estate within thirty days after his death, such bank, corporation, firm or individual, fraternal order, shop society, joint-stock company, association, or partnership may in its discretion, on application of the surviving husband or wife, if any, or, if none, of the next of kin of such decedent, pay the amount of such deposit, unpaid wages, or benefit to such husband, wife, or next of kin, or on like application of the undertaker who buried such decedent or the physician who attended him in his last sickness, with an affidavit that such undertaker or physician has a lawful preferred claim for funeral expenses or medical attendance during such last sickness, not exceeding the amount of such deposit, unpaid wages, or benefit, may pay the amount of such claim to such undertaker or physician, and such payment shall discharge such bank, corporation, firm or individual, fraternal order, shop society, joint-stock company, association, or partnership from liability to any person or persons on account of such deposit, unpaid wages, or death benefit; but the person or persons to whom such payment has been made shall be liable for the amount thereof to the decedent's executor or administrator thereafter appointed. As a condition of such payment such bank, corporation, firm, individual, joint-stock company, association, or partnership, order, or society may require proof as to the parties in interest, the filing of proper waivers, the execution of a bond of indemnity, and a proper receipt for such payment.

Approved April 22, 1921.

CHAPTER 185.—*Commissioner of labor and factory inspection—Duties.*

SECTION 1. Section 2324 of the General Statutes is amended to read as follows:

SECTION 2324. The commissioner of labor and factory inspection shall collect information upon the subject of labor, its relation to capital, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity, and shall have power to summon and examine under oath such witnesses, and may direct the production of and examine or cause to be produced and examined such books, records, vouchers, memoranda, documents, letters, contracts, or other papers in relation thereto as he may find proper, and shall have the same powers in reference thereto as

Scope of act.

Payment.

Discharge.

Data.

Powers.

are vested in magistrates in taking depositions; but for this purpose persons shall not be required to leave the vicinity of their residence or places of business.

Approved May 11, 1921.

CHAPTER 188.—*Employment of children—Hours of labor.*

Work time. SECTION 1. No child under sixteen years of age shall be employed, required, or allowed to work in any mill, cannery, workshop, factory, or manufacturing establishment more than eight hours in any day or more than six days in any week, or after the hour of six o'clock in the afternoon or before the hour of six in the morning.

Enforcement. SEC. 2. It shall be the duty of the commissioner of labor and factory inspection to examine and inquire into the employment of such children in the establishments described in this act and to investigate all complaints of violations thereof, and to report all cases of such violation to the prosecuting officer having jurisdiction thereof. The commissioner of labor and factory inspection shall on or before the first day of December in each year make a report to the governor of the number of such violations and of the prosecutions instituted therefor.

Violations. SEC. 3. Every person who willfully employs or has in his employment or under his charge any child in violation of the provisions of this act, and every parent or guardian who permits any such child to be so employed, shall be fined not more than twenty dollars for each offense. A certificate of the age of a child, made as provided in section 5323 of the General Statutes, and amendments thereof, shall be conclusive evidence of his age upon the trial of any person other than the parent or guardian for violation of any provision of this act.

Approved May 11, 1921.

CHAPTER 212.—*Employment of children—Age limit.*

SECTION 1. Section 5322 of the General Statutes is amended to read as follows:

Employments covered. SECTION 5322. No child under fourteen years of age shall be employed in any mechanical, mercantile, or manufacturing establishment, bowling alley or shoe-shine parlor. Every person, whether acting for himself or as agent for another, who shall employ or authorize or permit to be employed any child in violation of the provisions of this section shall be fined not more than one hundred dollars.

Approved May 20, 1921.

CHAPTER 220.—*Employment of women and children—Night work.*

[This act amends section 5303, General Statutes, as amended by chapter 195, Acts of 1919, by adding thereto:]

Bowling alleys. Public bowling alleys shall be regarded as mercantile establishments within the meaning of this act.

Approved May 19, 1921.

CHAPTER 227.—*Factory, etc., regulations.*

Laundries. SECTION 1. A public laundry shall be regarded as a manufacturing establishment within the provisions of the General Statutes. No laundry work shall be done in any public laundry in a room used as a sleeping or a living room. No employer shall permit any person to work in his public laundry who is affected with pulmonary tuberculosis, scrofulous or venereal disease, or a communicable skin affection.

Approved June 1, 1921.

CHAPTER 259.—Employed children—Continuation schools.

SECTION 1. Every child between fourteen and sixteen years of age residing in a city, town, or district in which public continuation schools are maintained, in possession of either an employment or a leaving certificate issued under the provisions of the General Statutes and who has not completed such course of study as is required for the completion of the eight elementary grades or the equivalent of such grades in the public schools of such city, town, or district, shall attend a public continuation school of such city, town, or district or other continuation school offering an equivalent course of instruction, for not less than four hours each week in each school year, between the hours of 8 a. m. and 5 p. m., the time in continuation school to be counted as part of the working day or working week. Any child may be released from such requirement by the secretary or an agent of the State board of education, or by a member of the board or school visitors, town school committee or board of education designated by said State board of education. The employer of any such child shall keep on file in the place where such child is employed a continuation school certificate, issued as hereinafter provided, certifying that such child is attending a continuation school as required under the provisions of this section, which certificate may at any time be inspected by the school authorities.

Who to attend.

Files.

Certificates.

SEC. 2. The board of school visitors, town school committee, or board of education, or an authorized representative of such school authority, shall issue to each child attending a continuation school in compliance with the provisions of section 1 a certificate at least once each month such continuation school is in session and at the close of the term of such school. Such certificate shall state the number of hours per week and the number of weeks such child has attended such school.

Violations.

SEC. 3. If any child shall violate any provision of section one, the parent or guardian of such child shall be fined, for each week such violation shall continue, not more than five dollars. Any person, firm, or corporation, or any officer, manager, superintendent, or employee acting in its behalf, who shall fail to comply with the provisions of section one concerning the certificate therein required, shall be fined, for a first offense, not less than twenty dollars nor more than fifty dollars, and for each subsequent offense not less than fifty dollars nor more than two hundred dollars.

Approved June 1, 1921.

CHAPTER 266.—Factory, etc., regulations—Toilets.

SECTION 1. The commissioner of labor and factory inspection is authorized to require every manufacturing, mechanical, and mercantile establishment to provide adequate toilet accommodations, so arranged as to secure reasonable privacy, for both sexes employed or engaged in any such establishment, which accommodations shall be constructed inside such establishments when in the opinion of said commissioner such inside construction is practicable. Such accommodations shall include adequate fixtures, shall be maintained in good repair and in a clean and sanitary condition, adequately ventilated with windows or suitable ventilators opening to the outside, and provided with convenient means for artificial lighting. Such accommodations shall be distinctly marked so as to indicate the sex for which the same is intended for use and when any such accommodations intended for use by any female adjoin such accommodations intended for use by any male, the partition constructed between such accommodations shall be solidly constructed from the floor to the ceiling.

Requirement authorized.

Specifications.

SEC. 2. The owner of any building occupied by more than one of any such establishments shall be required to furnish accommodations and the ventilation thereof, subject to the provisions of this

Duty of owner, etc.

act, and the occupant of any building shall maintain the same, subject to the provisions of this act.

Enforcement.

SEC. 3. It shall be the duty of the commissioner of labor and factory inspection to examine and inquire into the compliance with this act in the establishments described in this act and, in case of failure of the responsible person to comply with the order of said commissioner within ninety-days, to report all cases of such violation to the prosecuting officer having jurisdiction thereof. The commissioner of labor and factory inspection shall, on or before the first day of December of each year, make a report to the governor of the number of such violations and the prosecution instituted thereon.

Violations.

SEC. 4. Any person violating any provision of this act, and any person writing anything obscene or offensive, or making any obscene or offensive drawing, picture, or mark in any such accommodation shall be fined not more than fifty dollars for each offense.

Approved June 2, 1921.

CHAPTER 272.—*Employment of children—General provisions.*

SECTION 1. Section 5323 of the General Statutes is amended to read as follows:

Certificate.

SEC. 5323. No child under sixteen years of age shall be employed in any mechanical, mercantile, or manufacturing establishment unless the employer of such child shall have first obtained a certificate, signed by the secretary or an agent of the State board of education or by a school supervisor, school superintendent, supervising principal, or acting school visitor designated by said board, stating the date of the birth of such child, showing that such child is over fourteen years of age, is able to read intelligently and write legibly simple sentences in the English language, has completed a course of study equivalent to six yearly grades in reading, writing, spelling, English language and geography, is familiar with the fundamental operations of arithmetic up to and including simple fractions: *Provided*, Nothing herein contained shall prevent a town school committee, board of school visitors, or board of education from requiring further and higher educational qualifications: *And provided*, A child may be released from the educational requirements herein above described, by the secretary

Exceptions.

or an agent of the State board of education, or by a member of the board of school visitors, town school committee, or board of education designated by said State board of education; has regularly attended a public school or has received instruction equivalent to that provided in the public schools for a period of not less than one hundred and fifty days during the twelve months next preceding the date of application for such certificate, and does not appear to be physically unfit for employment. No certificate shall be issued unless it shall be made to appear to the authority to whom the application is made for such certificate that it is for the best interest of the child that such certificate shall be issued.

Issue, when.

Such certificate shall have printed on the back a list of the occupations in which the child named in such certificate shall not be employed. Such certificate shall be in the form prescribed and upon a blank furnished by the State board of education, and shall be issued in triplicate; and one copy thereof shall be delivered to the employer, and one copy shall be deposited in the office of the State board of education. Copies of such certificates shall be obtainable from the State board of education, upon application, at any time. The copy of such certificate delivered to the parent or guardian of the child may be accepted by the employer as a temporary certificate, good for one week, after which time it shall be returned to the parent or guardian of such child. Every person, whether acting for himself or as an agent for another, who shall employ or shall authorize or permit to be employed any child in violation of the provisions of this section, shall be fined not

Form.

Violations.

more than one hundred dollars. The secretary or the agent of the

State board of education or the school supervisor, school superintendent, supervisor principal, or acting school visitor to whom application shall be made for a certificate as provided in this section, shall have authority to require all statements of fact offered in support of such application to be made under oath, and such oath may be administered by said secretary or such agent, school supervisor, school superintendent, supervising principal, or acting school visitor, and said secretary or any such agent, school supervisor, school superintendent, supervising principal, or acting school visitor may cause any child to be examined by a reputable physician for the purpose of aiding him in determining whether such child is physically fit for employment, and may charge the expenses of such physical examination against the State as a part of his expenses. Bowling alleys and shoe-shine establishments shall be regarded as mercantile establishments within the meaning of this act.

Scope.

Approved June 2, 1921.

CHAPTER 347.—*Inspection of steam boilers.*

SECTION 1. Section 3064 of the General Statutes is amended to read as follows:

SECTION 3064. The commissioner of labor and factory inspection shall appoint a suitable person to inspect boilers who shall be a citizen of this State, shall have had not less than five years' practical experience with steam boilers as a steam engineer, boiler-maker, boiler inspector, or mechanical engineer, and who shall receive the compensation of a deputy factory inspector.

Inspector.

SEC. 2. Section 3065 of the General Statutes is amended to read as follows:

SEC. 3065. Such inspector shall see that all laws and regulations for the safety of steam boilers are enforced, and he shall, at least once in each year, carefully inspect internally and externally while not under pressure, and during the same year inspect externally while under pressure, all steam boilers in use in this State except the following: Boilers of railroad locomotives subject to inspection under the provisions of Federal laws; portable boilers used in pumping, heating, steaming, and drilling in the open field; portable boilers used for agricultural purposes and in the construction and repair of public roads, railroads, and bridges; boilers on automobiles; boilers on steam fire engines brought into the State for temporary use in checking conflagrations; boilers carrying a pressure of less than fifteen pounds per square inch which are equipped with safety devices; boilers under the jurisdiction of the United States; boilers inspected under any city, town, or borough system of boiler inspection; and any boiler inspected and insured by a company which is authorized to insure against loss from the explosion of steam boilers in this State, which maintains a corps of steam-boiler inspectors and which complies with the provisions of the General Statutes.

Duties.

SEC. 3. Section 3066 of the General Statutes is amended to read as follows:

SEC. 3066. If any boiler inspector finds that a boiler is defective he shall order the owner, lessee, or user thereof to repair such boiler; and if such order is not complied with or if the boiler is dangerous, he shall remove the certificate of inspection and give written notice to such owner, lessee, or user not to use the boiler until the faulty condition is corrected and the boiler is approved by such inspector and the certificate of inspection restored. An owner, lessee, or user may appeal from such order of an inspector to the commissioner of labor and factory inspection who may, after such further investigation as he may deem necessary, affirm, rescind, or modify the order.

Defective boilers.

SEC. 4. Section 3067 of the General Statutes is amended to read as follows:

Fees.

SEC. 3067. The fee for an inspection of a boiler internally and externally while not under pressure shall be seven dollars and fifty cents; for an external inspection while under pressure, two dollars and fifty cents; to be paid to the inspector by the owner, lessee, or user of the boiler: *Provided*, Not more than ten dollars shall be collected by such inspector for the inspection of any one boiler during any year. The inspector shall, at the end of each month, pay to the commissioner of labor and factory inspection all fees collected by him and said commissioner shall, on or before the tenth day of each month, pay to the treasurer all the fees which he may have received during the preceding month.

SEC. 5. Section 3070 of the General Statutes is amended to read as follows:

Certificate.

SEC. 3070. Such boiler inspector shall issue a certificate of inspection for each boiler internally inspected by him, stating the condition of the boiler and the amount of pressure allowed. Such certificate shall be conspicuously posted under glass in the room containing the boiler. It shall not be valid for more than fourteen months from its date nor after its removal by an inspector as provided in section three of this act.

General inspections.

SEC. 6. In the examination and inspection of premises provided for in section 2340 [relating to the commissioner of labor and factory inspector] and 2283 [relating to local fire marshals] of the General Statutes, the officer making the inspection shall ascertain whether there is a valid certificate of inspection posted as required in section five of this act, and if there is no such certificate of inspection posted he shall at once inform the commissioner of labor and factory inspection.

Approved June 24, 1921.

CHAPTER 366.—*Commissioner of labor and factory inspection—Salaries.*

[This chapter amends section 2212, General Statutes, in so far as it relates to salaries in the department of labor and factory inspection, so as to read as follows:]

Amounts.

To the commissioner of labor and factory inspection, thirty-five hundred dollars and necessary postage, stationery, and office expenses, and the traveling expenses of the commissioner and his assistants; and to all other employees of said department such sums as shall be fixed by the commissioner of said department, subject to the approval of the board of control, together with all necessary expenses incident to the performance of the duties of the office, to be paid upon proper vouchers of such employees, signed by the commissioner.

Approved June 24, 1921.

DELAWARE.

ACTS OF 1921.

CHAPTER 160.—*Employment of children—General provisions.*

SECTION 46. The State superintendent of public instruction and superintendents of schools in special school districts, or persons designated by such superintendents, shall issue employment certificates, permits, and badges, and the principal or the head teacher of the several free public schools shall make out and sign such records as are required by the laws regulating child labor as provided by Article III of chapter 90 of the Revised Code.

Approved March 31, 1921.

CHAPTER 162.—*Employed children—School attendance.*

SECTION 1. On and after the first day of September, 1921, the board of education in every school district in this State in which there are employed or there resides fifteen or more children between the ages of twelve and sixteen years to whom have been granted an employment certificate in accordance with the child labor and compulsory school attendance laws shall establish and maintain part-time schools and classes in general, civic, or vocational subjects for such employed children, or for minors under sixteen who have ceased to attend all-day schools. Such schools and classes shall be under the control and management of the board of education and shall be an integral part of the public school system of the city or district which maintains them. Said part-time schools or classes shall be maintained each year during the full period of time when the public schools of the district are in session.

SEC. 2. All minors under the age of sixteen years must attend an all-day school, as defined in the school code, or be legally employed. Every parent, guardian, or other person having custody and control of a child between the ages of twelve and sixteen who has been granted a certificate to leave school to engage in a legal employment shall cause such a minor to attend such a part-time school or class for a period the equivalent of at least four hours each week for at least thirty-six weeks in each year while so employed: *Provided further*, When such minor is temporarily unemployed the hours of attendance upon such part-time school or class shall be at least twenty hours per week.

SEC. 3. Such attendance shall be in the school district where the minor resides or is employed, and shall be during the hours of 8 a. m. and 5 p. m., except on Saturday, when the hours shall be from 8 a. m. until noon.

SEC. 4. This act shall be in full force and effect on and after September 1st, 1921, and shall apply only to the establishment of part-time schools or classes for minors under sixteen years who are issued permits after September 1st, 1921.

SEC. 5. The time spent in a part-time school or class by a minor under sixteen years shall be reckoned as a part of the time or number of hours said minor is permitted by law to work. Employment of a minor on the farm, in the home, or in domestic service shall be considered as a minor legally employed in some occupation or service.

SEC. 6. The minor subject to the provisions of this act who fails to attend the part-time school or class may have his employment and school leaving certificate revoked.

- Penalties. SEC. 7. All of the penalties provided in the compulsory attendance law of Delaware are hereby made applicable in requiring the attendance of minors under sixteen years subject to the provisions of this act upon a part-time school or class.
- Same. SEC. 8. All of the penalties provided in the Delaware child labor law are hereby made applicable for any violation of the provisions of this act by any person, firm, or corporation employing a minor subject to the provisions of this act. Said employer shall permit the attendance upon part-time schools or classes in his employ of all minors subject to this act.
- Failure to provide school. SEC. 9. Any school district which refuses or neglects to provide adequately for part-time schools or classes as required by this act shall forfeit from State funds due such school district for high-school purposes an amount equal to that which is estimated by the board of education as necessary to operate and maintain part-time classes needed by that school district.
- Enforcement. SEC. 10. The school officials charged with the responsibility of enforcing the compulsory attendance laws of this State shall also be responsible for the enforcement of the attendance upon part-time schools or classes in accordance with the terms of this act.
- Funds. SEC. 11. Whenever any part-time schools or classes shall have been established in accordance with the provisions of this act and the rules and regulations established by the State board and shall have been approved by the State board, the district shall be entitled to reimbursement from Federal and State funds available for the promotion of vocational education for the expenditures made for the salaries of teachers of such part-time schools or classes and such reimbursement shall be apportioned by the State board. The local board of any such school district is hereby authorized to raise and expend moneys for the support of such part-time schools or classes in a manner similar to that by which moneys are raised and expended for other school purposes: *Provided*, That said boards may make a levy sufficient to cover expenses of such schools over and above the amount now provided for school purposes.
- Exemption. SEC. 12. Whenever any school board shall deem it inexpedient to organize part-time schools or classes for employed minors, it shall state the reasons for such inexpediency in a petition to the State director for vocational education, and when the State board for vocational education, upon the recommendation of the State director, shall judge such reasons to be valid, the school board shall be excused from the establishment of such part-time schools or classes.

Approved April 18, 1921.

CHAPTER 187.—*Factory, etc., regulations—Sanitation.*

- Scope. [This act amends chapter 231, Acts of 1917. Section 1 is amended by adding transportation to the list of establishments to which the requirements as to toilets applies; also by omitting the last paragraph, which relates to the screening, etc., of toilets for women.
- Rules. Section 8 is amended by inserting in the second paragraph a provision giving to the labor commission "power to adopt and promulgate suitable rules and regulations for effectively carrying out the provisions of this act."
A new paragraph is also inserted before the last one, which reads as follows:]
- Who to make changes. If found necessary to make changes in or additions to any establishments named in section 1 for ventilation, sewerage, water-closets, or plumbing, the inspectors shall require the owner of the building in which such establishment is situated to provide the necessary changes, additions, or improvements, if they are of a permanent character and will become the property of the owner of the building in which such establishment is located.

Approved March 25, 1921.

FLORIDA.

ACTS OF 1921.

CHAPTER 8550.—*Employed children—School attendance.*

SECTION 1. Wherever there are fifteen children for any cause, except mental or physical disability or the completion of the eight grammar grades, exempted from regular school attendance upon any school or schools three miles or less apart and residing or employed within the regular attendance area of such school or schools, the board of public instruction is hereby required and directed to provide a part-time school or schools, such part-time school or schools to be in session at least one hundred forty-four hours in any one school year during regular employment hours and furnishing instruction in any subjects designed to enlarge the civic or vocational intelligence of such children. School estab-
lished, when.

SEC. 2. Any board of public instruction may, at its discretion, exempt from regular school attendance any child fourteen years of age or over who may be properly employed under the laws of Florida and who is enrolled in a part-time school as provided in sections 1 and 3 of this act: *Provided*, That this section shall be mandatory upon boards of public instruction only where Federal funds provided for under act of Congress and funds matching such Federal funds are available for the salaries of teachers of such part-time schools. Exemption
from regular
school attend-
ance.

SEC. 3. Boards of public instruction are hereby authorized to provide part-time schools furnishing instruction to persons fourteen years of age or over in any subjects designed to enlarge the civic or vocational intelligence of such persons. Instruction to
be furnished.

SEC. 4. Any parent, guardian, or other person having the control, custody, or charge of any child who has been exempted from regular school for any cause, except mental or physical disability or the completion of the eight grammar grades, is hereby required to cause such child to attend a part-time school for at least one hundred forty-four hours in any one school year wherever such part-time school has been provided in compliance with sections 1 and 3 of this act; and any person employing such child is hereby required to permit such child to attend such part-time school: *Provided*, That wherever a night school giving instruction equal in length to that of a part school established in compliance with section 1 of this act has been established prior to the passage of this act and is maintained by the board of public instruction, the board of public instruction may accept such night-school attendance in lieu of part-time school attendance. Duty of par-
ents;

Of employers.

SEC. 5. The provisions of the compulsory school attendance law, chapter 7807, Acts of 1919, Laws of Florida, and amendments thereto, relating to the enforcement and administration of compulsory school attendance are hereby made applicable to the enforcement and administration of this act, and the State board of education may prescribe such rules and regulations as in their discretion are necessary to carry out the provisions of this act. Enforcement.

Became a law without the approval of the governor.

GEORGIA.

ACTS OF 1921.

Sunday labor—Operation of freight trains.

(Page 120.)

[This act amends section 414 of the Penal Code by adding thereto the following:]

Except that it shall be lawful for any railroad or railroad company to run on the Sabbath day through freight trains, to wit: Such trains as do not stop at stations to discharge or receive freight in less than carload lots, and, also, mixed trains handling carload freight on railroads or branch lines of railroads of less than 100 miles in length.

Exceptions.

Approved August 10, 1921.

HAWAII.

ACTS OF 1921.

No. 133.—*Payment of wages—Deductions, etc.*

SECTION 1. Section 3446 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

SEC. 3446. It shall be unlawful for any person, firm, partnership or corporation within this Territory to deduct and retain any part or portion of any wages due and payable to any laborer or employee or to collect any store account, offset or counterclaim without the written consent or such laborer or employee, or by action at court as provided by law, except, however, that the tax provided for in sections 1224 [poll tax], 1225 [school tax], and 1226 [road tax] of the Revised Laws of Hawaii, 1915, as now existing or as hereafter amended, may be deducted by said employer from any part or portion of any wages due and payable to any laborer or employee and paid over to the tax collector.

Debts.

Taxes.

Approved this 20th day of April, A. D. 1921.

No. 187.—*Employment of children—Hours of labor.*

SECTION 1. No person shall employ any child under the age of sixteen years more than eight hours in one day of twenty-four hours, or more than forty-eight hours in any one week, or before the hour of 5 o'clock in the morning or after the hour of 9 o'clock in the evening.

Work time.

SEC. 2. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment.

Violations.

Approved this 26th day of April, A. D. 1921.

No. 201.—*Leave of absence for public employees.*

[This act amends Act No. 199, of the Session Laws of 1915, which granted two weeks' annual leave of absence to permanent employees of the Territorial government; amended in 1917 (No. 153) to apply also to employees of counties and cities. The current amendment extends the vacation to three weeks and makes leave cumulative, but not to exceed six weeks.]

Scope.

No. 216.—*Incitement to violence—Interference with employment, etc.*

SECTION 1. Any person who shall print, publish, sell, distribute, or circulate in the Territory of Hawaii any written or printed article or matter in any form or language which shall advocate or incite or be intended to advocate or incite the commission of any act of violence, such as sabotage, incendiarism, sedition, anarchy, rioting, or breach of the peace, or which shall directly or indirectly advocate or incite or be intended to advocate or incite the use or exercise of force, fear, intimidation, threats, ostracism, or blackmail, for the purpose of restraining or coercing or intimidating any person from freely engaging in lawful business or employment or the enjoyment of rights of liberty or property, or which by deliberate misrepresentation shall be designed and in-

Publications advocating violence.

Interference with employment.

- tended to create or have the effect of creating distrust or dissension between peoples of different races or between citizens and aliens, shall be guilty of a misdemeanor, and upon the first conviction shall be punished by a fine of not more than one thousand dollars (\$1,000) or imprisoned not more than one year, and upon a second conviction for again violating this section within five years of the first conviction, shall be punished by a fine of not more than five thousand dollars (\$5,000) or by imprisonment of not more than one year, or by both such fine and imprisonment.
- Penalty.**
- Foreign-language newspapers.** SEC. 2. Any person or persons who shall publish in a foreign language any newspaper, or prints of like nature, for the dissemination of news or information, shall file a full and true copy of each and every such newspaper or print in the office of the attorney general of the Territory forthwith upon the publication thereof.
- Books, etc.** SEC. 3. Whenever any person shall print, issue, or publish in a foreign language in the Territory of Hawaii any book, paper, pamphlet, bulletin, circular, handbill, dodger, or other form of written or printed matter or article not included in section 2 of this act, which shall relate or refer to the government or any law of the United States or of the Territory of Hawaii, or any political subdivision thereof, or to any principle of government, or the administration of law, or rights of persons or property, or to any racial, industrial, or class question or conditions, or to any of the matters mentioned in section 1 of this act, such person shall in each case include therein a statement of the name or names and places of residence or business of the author or authors thereof, and of the publisher or publishers of the same, and shall also file a full and true copy thereof in the office of the attorney general of the Territory, a true and correct English translation thereof, under the oath of its author or publisher.
- Translations, when.** SEC. 4. If any person shall be convicted of publishing or circulating any article or matter of a nature contrary to any provisions of section 1 of this act, and such person shall thereafter publish or circulate in the manner described in section 2 of this act, any article or matter in any foreign language which shall relate or refer to the Government or any law of the United States or of the Territory of Hawaii or any political subdivision thereof, or to any principle of government, or the administration of law, or the rights of persons or property, or to any racial, industrial, or class question or conditions, or to any of the matters mentioned in section 1 of this act, he shall file with each such article a true and correct English translation thereof, under oath.
- Violations.** SEC. 9. Any person (other than a corporation) who shall be convicted of a violation of any provisions of this act for which a penalty is not otherwise provided in this act shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.
- If any provision of this act shall be violated by any corporation, such corporation shall be punished by a fine in a sum not more than double the amount of the fine which could be imposed under the preceding terms of this section upon an individual for a like violation.
- Definitions.** SEC. 10. The word "person" as used in this act shall also include any persons, company, association, or corporation or the officers, agents, or employees of such corporation, except where such meaning is expressly excluded.
- Any language other than English or Hawaiian shall be deemed to be a foreign language within the meaning of this act.
- Provisions severable.** SEC. 11. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the act.

Approved this 27th day of April, A. D. 1921.

No. 226.—*Emergency labor commission.*

[This act authorizes and appropriates for a commission of three persons to be appointed by the governor to assist the Hawaiian Delegate to Congress in an effort to secure legislation in line with a resolution of the Legislature of Hawaii asking for action looking toward the immigration of agricultural laborers, "including orientals," in order to remedy "an acute shortage of labor."] Labor immi-
gration.

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IDAHO.

ACTS OF 1921.

CHAPTER 44.—*Vocational rehabilitation—State and Federal co-operation.*

[This act contains the usual provisions of law on this subject (see pp. 37, 38). The sum of \$10,000 is appropriated for the biennial period, to be expended by the State board for vocational education for rehabilitation of persons disabled "in industry or otherwise."] Appropriation.

CHAPTER 207.—*Vocational rehabilitation.*

SECTION 1. The board of trustees of any independent, joint independent, independent class A, or joint independent class A, or school district of the State of Idaho * * * is further authorized to provide instruction and facilities for instruction for the vocational rehabilitation of adults injured in the military or naval service of the United States or in industry. Instruction authorized.

Approved March 7, 1921.

CHAPTER 215.—*Employment of children—School attendance.*

SECTION 75½. In all districts of this State all parents, guardians, and other persons having care of children shall instruct them or cause them to be instructed in reading, writing, spelling, English grammar, geography, and arithmetic. In such districts every parent, guardian, or other person having charge of any child between the ages of 8 and 18 years shall send such child to a public, private, or parochial school for the entire year during which the public schools are in session in such district: *Provided, however,* That this article shall not apply to children over 15 years of age where such child shall have completed the eighth grade or may be eligible to enter any high school in such district, or where its help is necessary for its own use or its parent's support, or where for good cause it would be for the best interest of such child to be relieved from the provisions of this article. Attendance required.

Approved March 5, 1921.

CHAPTER 223.—*Factory regulations—Sanitation, etc.*

SECTION 5. All factories affected by this act [manufacture, etc., of food products, cold-storage plants, etc.] shall be supplied with pure hot and cold water, under sufficient pressure to facilitate the cleansing of the establishment and the maintaining of the same in a sanitary condition: *Provided,* That in rural districts, where no water system is available, hot and cold water shall be supplied in sufficient quantity to keep the establishment in a sanitary condition at all times. Only pure water and ice shall be used in the preparation of food products. All toilet rooms and dressing rooms for both sexes shall be entirely separate from compartments in which food products are prepared. All toilet rooms shall be supplied with ample soap, water, and towels, properly ventilated, and kept in a sanitary condition. When a sewer system is available adequate sewer connections shall be provided from toilet rooms, connected with proper plumbing and sealed with the water seal. Water.

Toilet rooms.

Living quarters. SEC. 6. Where living quarters are provided for employees by manufacturers these quarters shall be screened against flies, supplied with ample ventilation, clean water, and sanitary sewerage disposal. No smoking or spitting on the floors or walls shall be permitted within food-products factories.

Approved March 15, 1921.

CHAPTER 260.—*Sunday labor.*

SECTION 1. Section 8292 of the Compiled Statutes is hereby amended to read as follows:

SECTION 8292. It shall be unlawful for any person or persons in this State to keep open on Sunday for the purpose of any business, trade, or sale of goods, wares, or merchandise any shop, store, building, or place of business whatever: *Provided*, That hotels and restaurants may furnish lodgings and meals: *And provided*, That this section shall not apply to livery stables, garages, automobile service station, or stores in so far as the sale of medicines or sick-room supplies is concerned, or to undertakers while providing for the dead, or to news stands in so far as the quiet sale and delivery of daily papers and magazines is concerned, nor to the sale of nonintoxicating refreshments, * * * nor to candies, fresh fruits, and cigars, nor to bakeries in so far as the quiet sale of their products is concerned, or shoe-shining stands, or common carriers in so far as the receipt, transportation, or delivery of express shipments of ice cream, bakery goods, dairy or perishable farm products is concerned. Any person or persons violating this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than \$25 nor more than \$100, or shall be imprisoned in the county jail not to exceed 30 days, and upon a second conviction shall be punished by both such fine and imprisonment.

Approved March 14, 1921.

ILLINOIS.

ACTS OF 1921.

Vocational rehabilitation—State and Federal cooperation.

(Page 11.)

[This act contains the customary provisions of law on the subject (see pp. 37, 38). The sum of \$125,000 is appropriated for the biennium.] Appropriation.

Building industry—Investigating commission.

(Page 29.)

[This act creates a joint legislative commission of 14 members with power to subpoena and examine witnesses, and require the production of books, papers, documents, etc. No salaries are provided, but \$50,000 is appropriated for expenses. The scope and purpose of the investigation are set out in section 3, which reads as follows:] Commission created.

SECTION 3. It shall be the duty of the said commission to inquire into the cost of the construction of dwellings and other buildings in the State of Illinois; to make a careful investigation as to the existence of combinations, agreements, methods, practices, and devices among builders, contractors, producers of building material, material men, labor, skilled and unskilled, and others, which may result in increasing, maintaining, or decreasing the cost of construction of dwelling houses and other buildings; to examine into the cost of producing, distributing, and transporting building material and the profits derived by the producers, distributors, and dealers of or in any such material, and into all devices or practices by which the prices of such material may be fixed or affected; to inquire into the compensation to labor in the production and distribution of building material and in the construction of dwellings or other buildings. Duties.

The said commission is hereby invested with full power and authority to perform the aforesaid duties, and the specific enumeration herein of the duties of said commission shall in no way limit the full authority of the commission to investigate any and all matters entering into the cost of dwellings or other buildings. The said commission shall report its conclusions, findings, and recommendations to the governor as expeditiously as may be and not later than the fifteenth day of December, 1922, including such recommendations as to legislation concerning the matters examined into by such commission as it may deem necessary, and shall file with the secretary of state for the use of the General Assembly a copy of such report and recommendation. Powers.

Approved June 25, 1921.

Mine regulations—Investigating commission.

(Page 39.)

[This act creates a commission of 9 members—3 owners, 3 miners, and 3 disinterested persons—to prepare and submit to the next regular session of the legislature a revision of the mining laws of the State, “so far as they have unanimously agreed.” Separate recommendations may also be submitted, with reasons therefor. Power to subpoena witnesses is given, the witnesses to Commission created.

Report.

receive the same fees as in courts of record. Five members constitute a quorum. Interested members are to serve without compensation, the other three to have \$10 for each day of actual service. All are to be reimbursed their actual expenses. The sum of \$7,000 is appropriated.]

Labor disputes—Extortion.

(Page 401.)

- Obtaining money.** SECTION 1. It shall be unlawful for any person by virtue of representing, or under color of representing, or pretending to represent any organization, association, or group of workmen or workwomen, to extort or attempt to extort, demand, accept, or obtain, or attempt to obtain, from any employer, property owner, or property lessee, or from the agent or representative of any of them, money or other property as a consideration for the withholding, withdrawing, settling, or terminating of any demand, claim, dispute, or controversy relating to the employment of such workmen or workwomen, or relating to the handling, delivery, or use of materials or supplies.
- Forcing payment.** SEC. 2. It shall be unlawful for any person by virtue of representing, or under color of representing, or pretending to represent any organization, association, or group of workmen or workwomen, to induce or compel, or attempt to induce or compel, an employer, property owner, or property lessee, or from the agent or representative of any of them, to pay money or other property as a consideration for withholding, withdrawing, settling, or terminating any demand, claim, dispute, or controversy relating to the employment of such workmen or workwomen, or relating to the handling, delivery, or use of materials or supplies.
- Collecting fines.** SEC. 3. It shall be unlawful for any person by virtue of representing, or under color of representing, or pretending to represent any organization, association, or group of workmen or workwomen to demand, collect, or attempt to collect from any employer, property owner, or property lessee, or from the agent or representatives of any of them, any money or other property by way of a fine or penalty, or to impose, enforce, or attempt to enforce any such fine or penalty.
- Giving evidence.** SEC. 4. No person shall be excused from attending, testifying, and producing any books, papers, documents, or other evidence in obedience to a subpoena served at the instance of the Attorney General or of the State's attorney before any court, magistrate, or grand jury, upon any investigation, proceeding, or trial for a violation of the provisions of this act, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may so testify or produce evidence, documentary or otherwise, in obedience to a subpoena served at the instance of the Attorney General or of the State's attorney except for perjury committed in such testimony.
- Violations.** SEC. 5. Any person violating this act shall be imprisoned in the penitentiary not less than one year nor more than five years.
- Approved June 28, 1921.

Employment of children—General provisions.

(Page 435.)

- Enforcement officials.** [This act amends the act of 1917 (p. 511). Section 2 is amended by making the certificates of employment on file in any establishment accessible not only to officials of the department of labor but also to "the truant officers or other school officials charged with the enforcement of the compulsory education law."]

Section 4 is amended by permitting the issue of employment certificates "in counties of the first and second classes during vacation by the county superintendent of schools," in addition to those already authorized to issue them. The same provision is incorporated in section 5. Issue of certificates.

Section 5 is further amended by making six years of schooling instead of five the prerequisite to the procuring of a certificate; also school attendance for 130 days between the fourteenth and fifteenth birthdays. The form of school record and the employment certificate are changed to correspond, except that, by an apparent oversight, the former retains "between his thirteenth and fourteenth birthdays," instead of fourteenth and fifteenth. Conditions of issue.

Wood shapers are added to the list of machines whose use is forbidden by section 10; and employments that "the department of labor finds to be dangerous" take the place of employments that "may be considered dangerous." Employments forbidden.

The following sentence is added to section 12:]

Truant officers and other school officials authorized by the board of education or school directors may enter any place in which children are or are believed to be employed and inspect the work certificates on file. It shall be the duty of such truant officers or other school officials to file complaints against any employer found violating the provisions of this act. Enforcement.

Filed July 13, 1921.

Public employment offices.

(Page 443.)

SECTION 1. The department of labor is authorized to establish and maintain free employment offices for the purpose of receiving applications of persons seeking employment and applications of persons seeking to employ labor, as follows: One in each city, village, or incorporated town of not less than twenty-five thousand population; one in two or more contiguous cities, villages, or incorporated towns having an aggregate or combined population of not less than twenty-five thousand; and in each city containing a population of one million or over, one central office with as many departments as would be practical to handle the various classes of labor, and such branch offices not to exceed four at any one time, the location of branch offices to be approved by the governor. Such offices shall be designated and known as Illinois Free Employment Offices. Number of offices.

Approved June 21, 1921.

Occupational diseases—Status as accidents.

(Page 444.)

SECTION 1. Section 15 of "An act to promote the public health by protecting certain employees in this State from the dangers of occupational diseases * * *" (page 330, Acts of 1911) is hereby amended as follows:

SEC. 15. (a) The disablement of an employee engaged in occupations covered by section two (2) of this act resulting from an occupational disease arising as a result of the work, labor, manufacture, or process referred to in said section two (2) shall be treated as the happening of an accidental injury within the terms and meaning of the workmen's compensation act. Disease compensable.

(b) The term disablement means the state of being disabled from earning full wages at the work at which the employee was last employed by the employer from whom he claims compensation.

(c) If any employee employed in occupations covered by section two (2) of this act is disabled or dies and his disability or death is caused by a disease arising out of the occupations referred to in section two (2) of this act, which disease arises out of and in the

course of his employment, he or his dependents shall be entitled to compensation for his death or for the duration of his disability in accordance with the provisions of the workmen's compensation act.

Recovery.

(d) No common law or statutory right to recover damages for injury or death sustained by an employee from an occupational disease other than the compensation provided in the workmen's compensation act shall be available to any employees engaged in any work, manufacture, or process referred to in section two (2) of this act to anyone wholly or partially dependent upon him, the legal representatives of his estate, or to anyone otherwise entitled to recover damages for such injury.

(e) Except as amended herein said section fifteen (15) shall be and remain in full force and effect as heretofore.

Filed July 13, 1921.

Factory, etc., regulations—Wash rooms.

(Page 445.)

Showers.

[This act amends an act of 1913 (p. 359) on this subject by adding to section 2 the requirement that each wash room be "provided with a sufficient number of showers for the use of employees who regularly use said wash room."]

Coal mine regulations.

(Page 512.)

Inspector.

[This act amends the act of 1911 (page 387). The title of "economic investigator" is joined to that of State inspector of mines, and the per diem allowance of members of the State mining board is fixed at \$10 instead of \$5. A new subsection (h) is added to section 2, relating to certifying electrical hoisting engineers, the old subsection (h) becoming subsection (i).

Boilers.

A new subsection (g) is added to section 10, requiring that boilers connected together by headerlines be equipped with valves so as to isolate each boiler when it is being washed, cleaned, or repaired. Succeeding subsections are relettered to correspond.

Missed shots.

Subsection (m) of section 19 is amended by requiring 10 minutes to elapse before returning to a missed shot if lighted with a squib, or eight hours if with a fuse.

Fuses.

Subsection (o), added to section 19 by act, page 656, Acts of 1919, is amended by adding the requirement that "no shots shall be fired unless there is one foot of fuse protruding from the mouth of the hole."

Gaseous work-
ings.

Work places where gas is generated in dangerous amounts must be examined 6 hours before work begins, instead of 8 hours, as in other places (sec. 20). Paragraph 1, subsection (b), section 21, is amended in harmony with this change.

Abandoned
workings.

Section 24 is amended by requiring special examinations to be made in mines in which electric safety lamps are used, on approaching within 75 feet of abandoned workings.]

Metal mine regulations.

(Page 525.)

Code.

[This act creates the office of inspector of mines other than coal and enacts a code of regulations for such mines. Inspection, safety provisions, accident reporting, the employment of minors, and penalties for violation are included in the act, which is worked out in detail corresponding generally to the provisions for coal mines, so far as apt.]

Mine regulations—Electricity.

(Page 568.)

SECTION 1. All mines in the State using A. C. current underground shall construct and maintain fireproof rooms in which to install transformers. All wires leading to said transformers shall be properly and sufficiently insulated for the protection of persons or animals coming in contact therewith. Transformer rooms.

Transformers shall be constructed with automatic cut-outs in case of short circuiting.

SEC. 2. All wires carrying electric current passing through curtains or inflammable material shall be properly protected so as not to ignite said curtains or inflammable material. Wires through curtains.

SEC. 3. (a) Trolley wires or other exposed electrical wires shall not carry a voltage above 275 volts. Voltage.

(b) All trolley and positive feed wires crossing places where persons or animals are required to travel shall be safely guarded or protected from such persons or animals coming in contact therewith. Guards.

(c) All terminal ends of positive wires shall be guarded so as to prevent persons inadvertently coming in contact therewith. Ends.

Approved June 24, 1921.

Mine regulations—Shot firers.

(Page 568.)

[This act requires the shot firers directed to be employed by act of May 18, 1905 (amended, page 442, Acts of 1913), to be "citizens of the United States and able to speak and understand the English language."] Language test.

Employed children—School attendance.

(Page 815.)

[This act amends an act, page 919, Acts of 1919. The act as amended, in so far as it affects employment, reads as follows:]

SECTION 1. Part-time or continuation school or classes may be established and maintained as hereinafter provided. The board of education or school directors of each city and of each school district in which there are twenty or more minors above the age of fourteen years and below the age of sixteen years who are not in regular attendance upon all-day school may, at the discretion of the board of education or school directors of each city and each school district, beginning in September, 1921, establish and maintain part-time or continuation school or classes in which minors shall receive instruction, and such schools or classes may be established and maintained in each city or school district on and after September 1, 1923, in which there are twenty or more minors above the age of fourteen years and below the age of seventeen years who are not regular attendants upon all-day schools, and such schools or classes on and after September 1, 1925, may, at the discretion of the board of education or school directors of each city and school district, be established and maintained in each city or school district in which there are twenty or more minors above the age of fourteen years and below the age of eighteen years who are not in regular attendance upon all-day schools. Such schools or classes shall be established under the control and management of the board of education or school directors, as the case may be, and shall be a part of the public school system of the city or district which establishes and maintains them. Schools to be established.

Such part-time or continuation schools or classes when established shall be maintained each year during the full period of time when the public schools of the city or district are in session. The sessions of such part-time or continuation schools or classes shall be held on the regular business days, except that they shall not be held on Saturday afternoon.

- Courses.** SEC. 2. Such part-time or continuation schools or classes shall afford instruction in any one or in any combination or in all of the following subjects: (a) Those subjects usually taught in the public schools, so as to permit the students in the continuation school classes to continue their education from the point where they left it in order to go to work; (b) civic and vocational subjects; and (c) those subjects which supplement the daily occupations of the students.
- Attendance.** SEC. 4. Every minor between the ages of fourteen and eighteen years who is regularly and lawfully employed in some occupation or service, unless such minor has completed a four-year secondary course of instruction, shall attend part-time or continuation school or class, when and where such school or class has been established and is maintained for the instruction of minors of such minor age, in the city or district in which such minor resides or may be employed after such school or class has been established therein. Such attendance shall be for not less than eight hours per week for at least thirty-six weeks each year, or three hundred hours if such attendance is confined to a period of three successive months. The attendance upon a part-time or continuation school or class shall be between the hours of eight o'clock in the forenoon and five o'clock in the afternoon on regular business days except Saturday afternoons. The time spent in a part-time or continuation school or class by a minor shall be reckoned as a part of the time or number of hours said minor is permitted by law to work. A minor employed, or kept at home, in the service or assistance of any parent, guardian or person having the control or custody of such minor shall be considered as a minor lawfully and regularly employed in some occupation or service.
- Duty of parents.** SEC. 7. Every parent, guardian, or other person having the custody or control of a minor required under the provisions of this act to attend a part-time or continuation school or class shall cause such minor to attend such school or class. A parent, guardian, or other person who refuses or willfully fails to comply with this provision of the law shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than twenty-five dollars and not more than one hundred dollars.
- Employers.** SEC. 8. Any person, firm, or corporation employing a minor between the ages of fourteen and eighteen years required under the provisions of this act to attend a part-time or continuation school or class shall permit such minor to attend such school or class whenever such school or class shall have been established in the city or school district where the minor resides or may be employed; and any such person, firm, or corporation willfully violating this provision shall for each violation be subject to a fine of not less than twenty-five dollars and not more than two hundred dollars for each offense, at the discretion of the court. Any person, firm, or corporation employing any such minor who fails to attend part-time or continuation school or class as required herein shall immediately discontinue the services of such minor upon receiving from the school authorities written notice of the failure of such minor to attend such part-time or continuation school or class, and any person, firm, or corporation willfully violating this provision shall be subject to a fine of fifty dollars for each offense.
- Enforcement.** SEC. 9. The school officials charged with the responsibility of enforcing the compulsory attendance laws of this State shall also be responsible for the enforcement of the attendance upon part-time or continuation schools or classes in accordance with the terms of this act.
- Teaching at home.** SEC. 10. Nothing in this act contained shall be held, deemed, or construed as having any application to children or minors who attend private or parochial day schools or to children or minors who are receiving equivalent educational training or instruction in the homes of their parents or guardians, either by said parents or guardians or by private tutors provided by said parents or guardians.

Approved June 28, 1921.

INDIANA.

ACTS OF 1921.

CHAPTER 81.—*Railroads—Sufficient crews for trains.*

[This act is a repealer only of the "full crew law," chapter 25, Acts of 1909.] Repealer.

CHAPTER 82.—*Railroads—Switching crews.*

[This act is a repealer only of an act fixing the numbers of switching crews, chapter 74, Acts of 1911.] Repealer.

CHAPTER 86.—*Manufacturing, etc., companies—Provisions for employees.*

SECTION 1. Any corporation formed under the laws of this State for manufacturing, mining, mechanical, chemical, or building purposes 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: Powers of corporations.

1. The issue, or sale, or 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, compensations for services, or otherwise. Stock.

2. 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 to be regarded as a part of the corporation's legitimate expenses. Profit sharing.

3. 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. Welfare.

Approved March 7, 1921.

CHAPTER 108.—*Private employment offices.*

[This act amends chapter 94, Acts of 1909, by exempting from its provisions as to licenses and reports "charitable and benevolent organizations and associations approved by the board of State charities," though they must obtain permits to act as employment offices.] Exemptions.

CHAPTER 129.—*Insurance of employees—Group insurance.*

SECTION 1. Group life insurance is hereby declared to be that form of life insurance covering not less than fifty employees with or without medical examination, written under a policy issued to the employer, the premium on which is to be paid by the employer or by the employer and the employees jointly, and insuring only all of his employees, or all of any class or classes thereof determined by conditions pertaining to the employment, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the employer: Pro- Definition.

vided, however, That when the premium is to be paid by the employer and employee jointly and the benefits of the policy are offered to all eligible employees, not less than 75 per centum of such employees may be so insured.

Form of policy.

SEC. 2. No policy of group insurance shall be issued or delivered in this State unless and until a copy of the form thereof has been filed with the commissioner of insurance and approved by him; nor shall such policy be so issued or delivered unless it contains in substance the following provisions.

Provisions.

(a) A provision that the policy shall be incontestable after not more than two years from its date of issue, except for non-payment of premiums and except for violation of the conditions of the policy relating to military or naval service in time of war or other prohibited risks.

(b) A provision that the policy, the application of the employer and the individual application, if any, of the employees insured, shall constitute the entire contract between the parties, and that all statements made by the employer or by the individual employees, shall, in the absence of fraud, be deemed representations and not warranties, and that no such statement shall be used in defense to a claim under the policy, unless it is contained in a written application. The individual certificate referred to in subsection (d) hereof, issued by the insurance company setting forth a statement as to the insurance protection to which the individual is entitled shall not become a part of the contract between the parties.

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

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

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

Exemption from attachment, etc.

SEC. 3. No policy of group insurance, nor the proceeds thereof, when paid to any employee or employees, shall be liable to attachment, garnishment, or other process, or to be seized, taken, appropriated, or applied to any legal or equitable process or operation of law, to pay any debt or liability of such employee, or his beneficiary, or any other person who may have a right thereunder, either before or after payment, nor shall the proceeds thereof, where not made payable to a named beneficiary, constitute a part of the estate of the employee for the payment of his debts.

Premium rates.

SEC. 4. Any life insurance company may issue life or endowment insurance, with or without annuities, upon the group plan as hereinbefore defined, with special rates of premiums less than the usual rates of premiums for such policies, and may value such policies on any accepted table of mortality and interest assumption adopted by the company for that purpose: *Provided,* That in no case shall such standard be lower than the American men's table of mortality (ultimate) with interest assumption at

three and one-half per cent. All policies of group insurance shall be segregated by the company into a separate class, the mortality experience kept separate, and the number of policies, amount of insurance, reserves, premiums, and payments to policyholders thereunder, together with the mortality table and interest assumption adopted by the company shall be reported separately in the company's annual financial statement.

Separate class.

Approved March 9, 1921.

CHAPTER 132.—*Employment of children—School attendance—Certificates.*

SECTION 2. * * * Attendance officers and school officials are empowered and authorized to enter any place where minors are employed for the purpose of determining whether there are violations of this act, and any officer, manager, director, employee or other person who refuses to permit, or in any way interferes with the entrance therein of such attendance officers or school officials, or who in any way interferes with any investigation therein, shall be guilty of a violation of this act. * * *

Enforcement.

SEC. 6. Any child over fourteen and under sixteen years of age who has completed the work of the first eight grades of the public school or its equivalent may be permitted to withdraw from school upon the issuing to such child of a lawful employment certificate. Any child so permitted to withdraw from school shall return to school within five days after the termination of the employment for which such employment certificate was issued. No child, holding a lawful employment certificate at the time this act goes into effect, shall be required to reenter school because of any increase in educational or age standards for the issuance of employment certificates contained in this section.

Who may be employed.

SEC. 7. Any child attending public school who has not completed the sixth grade by the age of fourteen years may be required to attend a part-time school for full-time work or to attend a special full-time school which any school corporation is hereby authorized to organize.

Sixth grade standard.

SEC. 18. No minor under the age of fourteen years shall be employed or permitted to work in any gainful occupation other than farm labor or domestic service. It shall be unlawful for any person, firm or corporation to employ or permit any minor to work in any occupation or service whatsoever during any of the hours when the common schools of the school corporation in which such minor resides are in session, contrary to the provisions of section 6 of this act.

Age limit.

SEC. 19. It shall be unlawful for any person, firm or corporation to hire or employ or permit any minor between the ages of fourteen and eighteen years to work in any gainful occupation until such person, firm, or corporation shall have secured and placed on file in the office of such person, firm, or corporation a certificate issued by the issuing officer, as hereinafter defined, of the school corporation in which said minor resides. Upon the request of any employer who desires to employ a minor who represents his or her age to be between eighteen and twenty-one years, it shall be the duty of the issuing officer to issue a certificate to such minor. Upon the request of any parent or guardian, the issuing officer shall have authority to issue permits for temporary absences for causes other than employment. The issuing officer in all cities and incorporated towns having boards of school trustees shall be the superintendent of the schools of such city or such incorporated town or some person designated by him in writing so to act, and in all other school corporations the issuing officer shall be the county superintendent of schools or some person or persons designated by him in writing so to act: *Provided*, That no school superintendent shall designate an issuing officer without the approval of the State attendance officer. In case of a

Certificates required.

Who to issue.

vacancy in the superintendency of the schools of any such city or incorporated town, then during such vacancy the president of the board of school trustees or the president of the board of school commissioners of such city or incorporated town or some one whom he shall designate, shall be the issuing officer thereof. No certificate shall be required for any minor between the ages of fourteen and sixteen years to perform farm labor or domestic service during the hours when schools of the school corporation in which such minors reside are not in session. The issuing officer of such school corporation or the person authorized by him in writing so to act shall issue such certificate only to a minor whose employment is necessary and not prohibited by law, and only upon receipt of the following four documents herein referred to as proof of age, proof of physical fitness, proof of schooling, and proof of prospective employment.

Evidence.

Age.

Proof of age. The issuing officer shall require one of the following documents in the order named:

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

(b) A baptismal certificate or transcript of the record of baptism, duly certified showing the date of birth and place of baptism of the minor.

(c) A bona fide contemporary record of the minor's birth, comprising a part of the family record of births in the Bible, or other documentary evidence satisfactory to the industrial board, such as a certificate of arrival in the United States issued by the United States immigration officers and showing the age of the child, a passport showing the age of the child, or a life insurance policy: *Provided*, That such other documentary evidence has been in existence at least one year and in the case of a life insurance policy at least four years: *And provided further*, That a school record or a parent's, guardian's or custodian's affidavit or other written statement of age shall not be accepted except as specified in paragraph (d).

(d) A sworn statement by a public health physician or a public school physician or by the superintendent of school in all cities and incorporated towns having boards of school trustees and in all other school corporations by the county superintendent of schools, stating, in his opinion, the physical age of the minor. Such statement shall show the height and weight of the child and other facts upon which the opinion of such physician or superintendent is based. A parent's, guardian's or custodian's signed statement as to the age of the child, and the record of the age as given by the register of the school first attended by the child, or in any school census, if obtainable, shall be submitted with the physician's or superintendent's statement showing physical age.

The officer issuing the certificate for a minor shall require the evidence of age stated in paragraph (a) in preference to that specified in any subsequent paragraph and shall not accept evidences of age permitted by any later paragraph unless he shall receive and file evidence that the proof of age required in the preceding paragraph or paragraphs can not be obtained. It shall be the duty of the custodian of such vital statistics to issue the transcript of the birth certificate herein provided for.

Physical fitness.

Proof of physical fitness. The physical fitness of any minor herein contemplated to be employed in any designated occupation shall be proved by a certificate signed by a school health officer or public health officer, stating that the minor has been examined by him and that in his opinion such minor has reached the normal physical and mental development of a minor of its age, and is in sound health, and able to be employed in the occupation in which the minor intends to engage.

Schooling.

Proof of schooling. The requisite, prescribed schooling of any minor herein contemplated shall be proved by a certificate

signed by the superintendent, principal or teacher of the school last attended, showing that the minor can read and write correctly sentences in the English language, and showing that he has satisfactorily completed the eighth grade of the common schools, or its equivalent. In case such certificate can not be obtained, then the superintendent of schools in cities or incorporated towns having boards of school trustees and in all other school corporations the superintendent of schools of the county in which such minor resides shall examine such minor to determine whether he can meet the educational standard herein specified, and shall file in the office of the issuing officer a statement setting forth the result of such examination: *Provided*, That proof of such educational qualifications shall not be required when the work is to cover only the whole or some part of the period when in common schools of the school corporation in which the minor resides are in vacation, or hours when such schools are not in session.

Proof of prospective employment. The prospective employment of any minor herein contemplated shall be proved by a written statement signed by the person for whom the minor expects to work, setting forth the nature of the work which the minor intends to perform.

Employment.

Immediately upon the termination of the minor's employment, the employer shall notify the issuing officer in writing of that fact and the date of such termination, upon a blank form attached to the employment certificate; and the parent, guardian or custodian of such minor shall, within five (5) days, exclusive of Sundays and holidays, return such minor to school. It shall be unlawful for the issuing officer to issue a subsequent certificate until he shall have received a notice of the termination of the minor's employment as herein provided. It shall be unlawful for any employer to reemploy any such minor without first obtaining a new certificate.

Return of certificate.

The certificate herein provided for shall set forth the full name, the date and place of birth of the applicant for such certificate, together with the name and address of his parent, guardian or custodian and shall certify that the minor and his parent, guardian or custodian have appeared before the officer issuing the certificate and have submitted the proof of age, physical fitness, schooling, and prospective employment as required in this section. All blank forms necessary to carry out the provisions of sections 18 to 28, inclusive, of this act shall be prepared by the industrial board and supplied to the several issuing officers, and a sufficient amount of money to defray any expenses incurred by the industrial board in the printing and distribution of such forms is hereby appropriated annually out of any money in the general fund of the State treasury not otherwise appropriated. A copy of each such certificate shall be mailed by the officer to the employer, a record of which shall be kept in the office of the issuing officer and another copy of which shall be forwarded by the issuing officer to the industrial board, within five (5) days after its issuance. The State board of attendance or the State industrial board may, at any time, revoke any such certificate, if in the judgment of either it was improperly issued, or if the State board of attendance or the industrial board has knowledge of the fact that the minor was illegally employed, and for that purpose the State board of attendance and the industrial board is hereby authorized to investigate into the true age of any such minor so employed, to subpoena witnesses, to hear evidence, and to require the production of relevant [relevant] books or documents; if the certificate be revoked, the issuing officer and the person, firm, or corporation employing such minor at the time shall be notified in writing either in person or by registered letter of such action, and such minor shall not thereafter be employed or permitted to labor until a new certificate has been legally obtained. When

Contents.

Forms.

Mailing.

Revocation.

- any certificate is so revoked the employer shall return the same to the issuing officer immediately after receiving notice of such revocation, as herein provided. Employment certificates shall be issued in such form and under such rules and regulations as shall be adopted from time to time by the industrial board and the State board of attendance, and which are not inconsistent with the provisions of law, and such as will promote uniformity and efficiency in the administration of this act. Any officer charged with the enforcement of the laws relative to the employment of minors may inquire into the true age of any such young person who is employed or permitted to work in any occupation and for whom no employment certificate is on file, and if the age of such young person be found to be actually under that authorized in this act, the employment of such young person or the fact that he is permitted to work at any such occupation shall be prima facie evidence of the unlawful employment of such young person.
- Regulations.**
- Physical examination.** SEC. 20. Whenever so required, every minor between the ages of fourteen and eighteen years who is at work in any occupation other than farm labor or domestic service shall submit to a physical examination by a medical inspector of the State industrial board or a physician designated by such board. The result of every such examination shall be recorded on a printed form which shall be furnished by and kept on file in the office of the State industrial board. If any such minor fails to submit to such examination, or, if on examination, the medical inspector finds the minor physically unfit to be employed in the work in which he is engaged and submits a report to that effect, which shall be kept on file in the office of the State industrial board, the said board shall thereupon revoke the minor's certificate. Written notice of such revocation shall be served in person or by registered letter upon the officer who issued the certificate and also upon the minor's employer who shall immediately deliver to the State industrial board the minor's certificate. Any minor whose certificate has been so revoked may obtain a new certificate, provided he be found after a physical examination to be physically fit for the new occupation in which he purposes to engage. Whenever a female is required by the provisions of this section to submit to physical examination by a medical inspector, she shall be entitled to have the examination made by a person of her own sex and no employer shall require or attempt to require a female to submit to a physical examination by a person not of her own sex.
- Unfitness.**
- Females**
- Work time.** SEC. 21. No boy between the ages of fourteen and sixteen years and no girl between the ages of fourteen and eighteen years shall be employed or permitted to work in any gainful occupation other than farm labor or domestic service more than eight hours in any one day, nor more than forty-eight hours in any one week, nor more than six days in any one week, nor before the hour of six o'clock in the morning, nor after the hour of seven o'clock in the evening of any day.
- Schedules.** Every person, firm, corporation, or company employing any boy between the ages of fourteen and sixteen years, or any girl between the ages of fourteen and eighteen years, in any establishment contemplated in this act shall post and keep posted in a conspicuous place in every room where such minors are employed, a printed notice stating the maximum number of hours such persons may be employed or permitted to work in each day of the week, the hours of beginning and ending each day, and the time allowed for meals; the printed form of such notice shall be furnished by the State industrial board and the employment of such persons for a longer time in any day than as stated or at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this section. It shall be the duty of every person employing minors under the age of sixteen years to keep a register, in which shall be recorded the name, birth-

place, age, and place of residence of every person employed by him under the age of sixteen years. There shall be posted conspicuously in every room where minors under sixteen years of age are employed a list of their names, with their ages, respectively.

Sec. 22. No minor under the age of sixteen years shall be employed, permitted or suffered to work in any capacity in any of the following occupations: Oiling, wiping or cleaning machinery or assisting therein; operating or assisting in the operation of, or off-bearing at any of the following machines or apparatus, whether power driven or not: Circular or band saws; wood shapers; wood joiners; planers; stamping machines used in sheet metal or tinwork manufacturing; stamping machines in washer or nut factories, or any other stamping machine used in stamping metal; boiler or other steam-generating apparatus; dough bakers or cracker machinery of any description; wire or iron straightening machinery; rolling-mill machinery; punch; shears; drill press; grinding or mixing mills; calendar rolls in rubber manufacturing; laundry machinery; corrugating rolls of the kind used in roofing and washboard manufacturing; metal or paper cutting machines; corner-staying machines in paper-box factories; assorting, manufacturing or packing tobacco; in or about any mine, quarry, or excavation; or in any hotel; theater; bowling alley; or in any other occupation dangerous to life or limb, or injurious to the health or morals of such minor.

Employments forbidden.

Sixteen years.

Sec. 23. No minor under the age of eighteen years shall be employed, permitted or suffered to work in any capacity in any of the following occupations: Oiling and cleaning moving machinery; in the operation of emery wheels except for the sharpening of tools used by an apprentice in connection with his work; or at any abrasive, polishing or buffing wheel; in the operation of any elevator, life [lift], or hoisting machine; in or about establishments where nitroglycerine, dynamite, dualin, gun-cotton, gunpowder, or other high explosives are manufactured, compounded or stored; in dipping, dyeing or packing matches; in any saloon, distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled; or in any other occupation dangerous to life or limb, or injurious to the health or morals of such minor. No boy under the age of eighteen years shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission, or delivery of goods or messages before 6 o'clock in the morning or after 10 o'clock in the evening of any day; and no girl under eighteen years shall be employed in any capacity where such employment compels her to remain standing constantly.

Eighteen years.

Sec. 24. No boy or girl under the age of twenty-one years of age shall be permitted to work in any public pool or billiard room.

Twenty-one years.

Sec. 25. Nothing in this act shall prevent any pupil from working on any properly guarded machine in the manual training department of any school when such work is performed under the personal supervision of an instructor.

Manual training.

Sec. 26. It shall be the duty of the State industrial board or its authorized inspectors and agents to cause sections 18 to 28, inclusive, of this act to be enforced and to cause all violators of the same to be prosecuted, and for that purpose the said board, its inspectors and agents, are empowered to visit and inspect at all reasonable hours and as often as shall be practicable and necessary, all establishments to which this act relates. It shall be the duty of the State industrial board, its inspectors and agents, to examine into all violations of laws made for the benefit and protection of labor of minors and to cause all violations of the same to be prosecuted. It shall be unlawful for any person to interfere with, obstruct or hinder said board, its inspectors or its agents, while in the performance of their duties

Enforcement.

or to refuse properly to answer questions asked by them in reference to any of the provisions thereof.

Violations.

SEC. 27. Any person, firm or corporation or public official who shall violate any of the provisions of section 18 to 28, inclusive, of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) for a first offense, and not less than fifty dollars nor more than \$100 for a second offense, to which may be added imprisonment for not more than ten days, and for a third offense a fine of not more than two hundred and fifty dollars (\$250) to which may be added thirty days' imprisonment in the county jail. When so requested by the industrial board in writing, the attorney general of the State shall assist the prosecuting attorney in the prosecution of persons charged with violating any of the provisions of sections 18 to 28, inclusive, of this act.

Defenses.

SEC. 28. In all actions for damages for personal injuries by any minor or by his parent, guardian or personal representative, because of his being employed, retained in employment, required or permitted to work in violation of any provision of sections 18 to 28, inclusive, of this act, the employer shall not be permitted to defend upon the ground that such minor had assumed any risk of the employment, or that the injury was due to the negligence of a fellow servant, or to the contributory negligence of such minor. In any such action it shall be sufficient to allege and prove that such minor was employed, retained in employment, required or permitted to work in violation of any provision hereof and that the injury arose out of such employment or the performance of such work.

Approved March 7, 1921.

CHAPTER 133.—*Mine regulations—Employment of labor.*

[This act appears as section 7 of chapter 279, below.]

CHAPTER 154.—*Mine regulations.*

Amendments.

[This act amends section 7 of chapter 50, Acts of 1905, by inserting a provision as to the inspector's duty when gas is discovered; also by adding penalties for violations of the act.]

CHAPTER 173.—*Vocational education—Employed children.*

[This act amends section 11 of chapter 24, Acts of 1913 (sec. 6641k, Burns' A. S., 1914), so as to read as follows:]

Part-time at-
tendance.

SECTION 11. In case the board of education or township trustee of any city, town, or township has established approved vocational schools for the instruction, in part-time classes, of youths over fourteen years of age who are engaged in regular employment, and has formally accepted the provisions of this section, such board or trustee is authorized to require all youths between the ages of fourteen and sixteen years who are regularly employed to attend part-time school not less than four not [nor] more than eight hours per week between the hours of 8 a. m. and 5 p. m. during the school term, and, after September 1, 1921, such board or trustee is authorized to require all youths between the ages of fourteen and seventeen years or between the ages of fourteen and eighteen years who are regularly employed to attend part-time school not less than four nor more than eight hours per week between the hours of 8 a. m. and 5 p. m. during the school term.

Approved March 10, 1921.

CHAPTER 204.—*Vocational rehabilitation—State and Federal cooperation.*

[This act embodies the standard provisions of the laws on this subject (see pp. 37, 38). As for vocational education, the State board of education is to cooperate with the Federal board. It is also to cooperate with the industrial board of the State. An amount not less than the Federal allotment is appropriated for each year.] Standard provisions.

CHAPTER 279.—*Mine regulations.*

[This act prescribes the amount of ventilation for coal mines, and safety provisions for gaseous mines; regulates the use of trolley wires, haulage, storage of explosives, the installation and equipment of dressing and bath rooms and the examination of certain employees. The act does not apply unless as many as 10 men are employed. Section 7 relates to the employment of persons in and about coal mines, and reads as follows:] General provisions.

SECTION 7. No person or persons shall be employed in and about coal mines in this State unless and until such persons so employed shall have filed with his employer a statement showing the age, residence, birthplace, and next of kin of such person so employed, and the employer shall keep such statement on file and available so long as such employee is employed in and about such coal mine. Every person, firm, corporation, partnership, or association operating a coal mine in the State of Indiana shall at all times provide a book, check, token, or other method of registration for all persons entering or leaving such mine, and it shall be unlawful for any person to enter or leave such mine without indicating by such book, check, token, or other method of registration the fact that he is entering or leaving such coal mine, and each day that such person, firm, corporation, partnership, or association shall fail to provide such book, check, token, or other method of registration, shall be a separate offense. Any neglect, refusal, or failure to do the things required to be done by this section of this act, on the part of the person, firm, corporation, partnership, or association herein required to do them, or any violation of the provisions or requirements hereof, shall be deemed a misdemeanor, punishable by a fine of not less than twenty-five (\$25) dollars or more than five hundred (\$500) dollars, or by imprisonment in the county jail for a period not exceeding six (6) months, or both, at the discretion of the court. Records of employees.
Tally of workers.

Approved March 11, 1921.

IOWA.

ACTS OF 1921.

CHAPTER 14.—*Vocational rehabilitation—State and Federal cooperation.*

[This act embodies the usual provisions of laws of this type (see pp. 37, 38).

The powers of the State board for vocational education are set out with fullness and include consultation with injured persons and their relatives, the use of existing schools, plants, etc., for rehabilitation and instruction, placement, the making of rules of administration, etc. The sum of \$2,000 is appropriated for the remainder of the year 1921, and \$22,836.45 for the year 1922, and a like sum for 1923.]

Powers of board.

Appropriation.

CHAPTER 35.—*Wage brokers—Assignments of wages.*

[This act embodies the provisions of the uniform law governing small loans and the assignment of wages as security. It requires a license for an office loaning sums of \$300 or less at a rate of interest in excess of 8 per cent per annum, the annual fee being \$100. A bond of \$1,000 is also required. The rate of interest may not exceed 3½ per cent per month, can not be collected in advance, and is to be on unpaid balances only. Assignments may involve not over 10 per cent of the wages payable at any time, and if made by a married person must be signed by both spouses.]

License.

Interest.

Assignments.

CHAPTER 180.—*Factory, etc., regulations—Employment of children.*

[This act amends section 4999-a2, Supplement to the Code, by adding to the provision forbidding the employment of children under 16 in the operation of dangerous machinery the following:] "Provided, That this clause shall not be interpreted to include pupils working under an instructor in manual training departments in the public schools of the State or under an instructor in a school shop or industrial plant in a course approved by the State board for vocational education for vocational educational purposes."

Construction of law.

Approved April 9, A. D. 1921.

CHAPTER 209.—*Public officials—Labor administration.*

[This act, among other changes, amends section 2477 of the Code by striking out the references to the commissioner of labor, his deputy, the number of factory inspectors, and all references to amount of salary; also section 2477-g1 by striking out the provision as to salary of the chief clerk of the employment bureau; also section 2477-m23, salary of the industrial commissioner; also section 2483, as regards the salaries of mine inspectors.]

Salaries.

CHAPTER 340.—*Public officials—Salaries of labor administrative officials.*

[This act establishes the salaries of the labor commissioner (\$3,000) and the office force; industrial commissioner (\$3,600) and the office force; and the mine inspectors (\$2,700 each), secretary, and board of mine examiners. These amounts are the same as in 1919.]

Rates established.

KANSAS.

ACTS OF 1921.

CHAPTER 261.—*Court of industrial relations—Determinations.*

[A public utilities commission is created by chapter 260, Acts of 1921, to which the powers and duties formerly devolving upon the court of industrial relations are transferred, in so far as public utilities are concerned, as set forth by sections 8328, 8329, and 8330 of the General Statutes. The present act amends the industrial relations law accordingly, and provides for cooperation in certain respects. It is as follows:]

SECTION 1. Section 2 of chapter 29 of the Special Session Laws of 1920 [shall] be hereby amended to read as follows:

SEC. 2. The court of industrial relations shall have such power, authority, and jurisdiction and shall perform such duties as are in this act set forth. Powers.

SEC. 2. In any matter pending before the court of industrial relations, if it shall be brought to the attention of such court that there is a matter pending before the public utilities commission in relation to the rate charged by the employer, the court of industrial relations may order such matters to be heard and determined at the same time by such commission and court of industrial relations, sitting as one body, the presiding judge of said court of industrial relations presiding, and in case of a tie vote, the presiding judge of said court of industrial relations shall cast an additional vote. Cooperation.

Approved February 19, 1921. •

CHAPTER 262.—*Court of industrial relations—Administration of labor laws.*

SECTION 1. The jurisdiction conferred by law upon the commissioner of labor and industry of the State of Kansas is hereby conferred upon the court of industrial relations, and said office of commissioner of labor and industry is hereby abolished. Jurisdiction transferred. Office abolished.

SEC. 2. All the laws relating to the powers, authority, jurisdiction and duties of the commissioner of labor and industry of this State are hereby adopted, and all the duties now imposed by existing laws upon the commissioner of labor and industry and State factory inspector, State mine inspector, and director of the free employment bureau shall from and after the taking effect of this act devolve upon the court of industrial relations. Duties devolve on court.

SEC. 3. The court of industrial relations may employ such deputy factory inspectors, deputy mine inspectors, and clerical force of said department of labor and industry as are necessary in carrying out the provisions of this act. Employees.

Approved February 28, 1921.

CHAPTER 263.—*Court of industrial relations—Employment of women.*

[This act repeals sections 3 to 14, 16 and 18 of chapter 275, Acts of 1915, which created an industrial welfare commission, transfers the powers of the commission to the court of industrial relations, and amends certain sections, as follows:]

SECTION 1. The jurisdiction conferred by law upon the industrial welfare commission of the State of Kansas is hereby conferred upon the court of industrial relations, and said industrial Commission abolished.

welfare commission and all boards organized thereunder are hereby abolished: *Provided*, That all orders and rules heretofore made by the industrial welfare commission and now in force shall continue in force until the same may be changed or repealed by the court of industrial relations.

Jurisdiction transferred.

Sec. 2. All laws relating to the powers, authority, jurisdiction, and duties of the industrial welfare commission of this State are hereby adopted except as amended and repealed in this act; and all the duties imposed upon the industrial welfare commission or any board thereof shall from and after the taking effect of this act devolve upon the court of industrial relations.

Sec. 3. Section 3 of chapter 275, Session Laws of 1915, [shall] be amended as follows:

Wages and hours of women, etc.

Sec. 3. The court of industrial relations may establish such standard of wages, hours, and conditions of labor for women, learners and apprentices, and minors employed within this State as shall be held hereunder to be reasonable and not detrimental to health and welfare: *Provided, however*, That the court may establish different minimum hours and standards for each class in an occupation of different localities in the State, when, in the judgment of the court, the different conditions obtaining justify such action.

Sec. 4. Section 6 of chapter 275, Session Laws of 1915, [shall] be amended as follows:

Register.

Sec. 6. Every employer of women or of learners and apprentices, or of minors shall keep a register of all such persons employed by him; and every such employer shall on request permit the court or any of its members, or agents, to inspect such register.

Sec. 5. Section 8 of chapter 275, Session Laws of 1915, [shall] be amended as follows:

Conditions prejudicial.

Sec. 8. If after investigation the court of industrial relations is of the opinion that in any occupation the wages, hours, and conditions, sanitary and otherwise, are prejudicial to the health or welfare of any substantial number of the classes of employees named in this act and are inadequate to supply the necessary cost of living and to maintain the worker in health it shall publish a notice, not less than once a week for four successive weeks in the official State paper, that it will on a date and at a place named in said notice, hold a public meeting at which all persons will be given a hearing; and, after said publication of said notice and said meeting, the court of industrial relations may, in its discretion, make and render such an order as may be proper or necessary, and require all employers in the occupation affected thereby to observe and comply with such determinations and said order. Said order shall become effective in sixty days after it is made and rendered and shall be in full force and effect on and after the 60th day following its making and rendition. The court of industrial relations shall, in so far as it is practicable, mail a copy of any such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room of his establishment. Whenever wages, hours, or conditions of labor have been made mandatory in any occupation, upon petition of either employers or employees, the court of industrial relations may at its discretion reopen the question.

Hearing.

Order.

Employees.

Sec. 6. The court of industrial relations may employ such inspectors and clerical force as may be necessary in carrying on the provisions of this act.

Review.

Sec. 7. The orders of the industrial court under the provisions of this act may be reviewed in the same manner as is now provided for the review of its decisions by chapter 29 of the Session Laws of 1920.

Approved March 8, 1921.

LOUISIANA.

EXTRA SESSION—1921.

Act No. 15.—*Unemployment—Prosecution of public works.*

Be it resolved by the House of Representatives of the State of Louisiana, the Senate concurring, That in view of the conditions of unemployment now prevailing, that the State of Louisiana proceed at the earliest possible date with all contemplated public work and improvements. Work recommended.

Approved by the governor: November 4, 1921.

Act No. 98.—*Free public employment offices.*

SECTION 1. From and after the passage of this act, there shall be established, created, maintained and operated by the State of Louisiana, under the supervision of the commission of labor and industrial statistics, free employment bureaus, the same to be located at such points as may be hereafter designated by the commissioner of labor and industrial statistics. Bureaus to be established.

SEC. 2. It shall be the duty of the commissioner of labor and industrial statistics and his assistants, to file and keep a correct list of all persons seeking employment, listing all such persons under their respective trades and occupations, and [they] shall use all reasonable means to secure employment for such applicants. It shall be the duty of the commissioner of labor and industrial statistics and his assistants to keep a correct file of all employers seeking help, and every reasonable means will be used to secure said employers such help as may be requested. Lists.

SEC. 3. For the purpose of conserving labor in the State, and preventing a useless turnover of labor, and to prevent, as far as possible, the unnecessary expenditure of money to both employer and employee, the commissioner of labor and industrial statistics is hereby enjoined to ascertain as far as possible the fitness of the applicant seeking work and the reliability of employers seeking help. Qualifications of applicants.

SEC. 4. The commissioner of labor and industrial statistics shall formulate and have printed such application blanks as may be necessary for use by both employer and employee and the same shall be furnished free upon application being made for same. Blanks.

SEC. 5. No fees of any kind whatsoever shall be collected or charges made for any service performed in the interest of the workers or employers, and every employer and every person seeking employment in the State of Louisiana shall be permitted to enjoy the full benefits of said free employment bureaus without cost. Fees.

SEC. 6. Anyone violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five (\$5) dollars nor more than twenty-five (\$25) [dollars], nor imprisoned less than five (5) days nor more twenty (20) days in the parish prison, or both, at the discretion of the court. Violations.

Approved: By the lieutenant-governor and acting governor November 18, 1921.

MAINE.

ACTS OF 1921.

CHAPTER 97.—*Vocational rehabilitation—State and Federal co-operation.*

[This act contains in brief the usual provisions of law on the subject (see pp. 37, 38). No appropriation is made other than to make available for the purposes of rehabilitation the sums appropriated for vocational education by chapter 105, Acts of 1919.]

Funds.

MASSACHUSETTS.

ACTS OF 1921.

CHAPTER 136.—*Accident, etc., insurance—Group insurance of employees.*

SECTION 1. Section one hundred and ten of chapter one hundred and seventy-five of the General Laws is hereby amended * * * so as to read as follows: Section 110. Nothing in the two preceding sections [regulating the issue of policies of accident and health insurance] shall apply to or affect any general or blanket policy of insurance issued to any employer, whether an individual, corporation, copartnership, or association, or to any municipal corporation or department thereof, police or fire department, underwriters corps, salvage bureau or like organization, where the officers, members or employees or classes or departments thereof are insured against specified accidental bodily injuries or diseases while exposed to the hazards of the occupation or otherwise, for a premium intended to cover the risks of all the persons insured under such policy. Where the premium is to be paid by the employer and employees jointly and the benefits of the policy are offered to all eligible employees, a policy covering not less than seventy-five per cent of such employees, or covering members of an association of such employees if the members so insured in fact constitute not less than seventy-five per cent of all eligible employees, shall be considered a general or blanket policy within the meaning of this section.

Blanket policies permitted.

Definition.

Approved, March 23, 1921.

CHAPTER 141.—*Life insurance—Group insurance of employees.*

[This act amends section 163, chapter 175, of the General Laws (sec. 1, ch. 112, Acts of 1918), by fixing one year as the maximum length of employment which may be used to determine eligibility for insurance when duration of service is a requisite.]

Eligibility.

CHAPTER 280.—*Employment of women and children—Hours of labor.*

[This act amends section 56, chapter 149, of the General Laws (sec. 48, ch. 514, Acts of 1909 as amended) by extending its provisions to women and children employed in "any laundry, hotel, manicuring, or hair-dressing establishments, motion-picture thea-

Scope of law.

ter, or as an elevator operator, or as a switchboard operator in a private exchange"; but permitting "hotel employees who are not employed in a manufacturing, mercantile, or mechanical establishment connected with a hotel" to work more than nine but not more than ten hours per day.]

CHAPTER 306.—*Department of labor and industries.—Assistant commissioner.*

To be a woman. [This act amends sections 1, 3, 4, 5, 7, 8, 15, and 17 of chapter 23 of the General Laws (relating to the department of labor and industries, created by chapter 350, Acts of 1919), by providing that the assistant commissioner "shall be" instead of "may be" a woman. Other amendments give the assistant commissioner powers in connection with the associate commissioners in the performance of the various duties devolving upon the commissioner and those associated with him in the department.]

Powers.

CHAPTER 325.—*Commission on necessities of life.*

Commission created. SECTION 1. There is hereby established for the term of one year, beginning May first, nineteen hundred and twenty-one, and ending April thirtieth, nineteen hundred and twenty-two, a special commission to be known as the Commission on the Necessaries of Life, to consist of three members to be appointed by the governor with the advice and consent of the council. The governor shall designate one member of the commission to act as chairman and fuel administrator, and the person so designated shall have authority to act for the commission when the commission is not in session. The chairman shall receive such compensation not exceeding five thousand dollars per annum as shall be fixed by the governor and council, but the other members of the commission shall serve without compensation.

Duties.

SEC. 2. It shall be the duty of the commission to study and investigate the circumstances affecting the prices of fuel and other commodities which are necessities of life. The commission may inquire into all matters relating to the production, transportation, distribution, and sale of the said commodities, and into all facts and circumstances relating to the cost of production, wholesale and retail prices, and the method pursued in the conduct of the business of any persons, firms, or corporations engaged in the production, transportation, or sale of the said commodities, or of any business which relates to or affects the same. It shall also be the duty of the said commission to study and investigate the circumstances affecting the charges for rent of property used for living quarters, and in such investigation the commission may inquire into all matters relating to charges for rent. The said commission shall be furnished with suitable quarters in the statehouse.

Powers.

SEC. 3. The commission shall have authority to give hearings, to administer oaths, to require the attendance and testimony of witnesses and the production of books and documents and other papers, and to employ counsel. Witness summonses may be issued by any member of the commission and shall be served in the same manner as summonses for witnesses in criminal cases issued on behalf of the Commonwealth, and all provisions of law relative to summonses issued in such cases shall apply to summonses issued under this act so far as they are applicable. Any justice of the supreme judicial court or of the superior court may, upon application of the commission, compel the attendance of witnesses and the giving of testimony before the commission in the same manner and to the same extent as before the said courts. The commission may employ such agents, inspectors, investigators, and clerical and other assistants as may be necessary and as may be approved by the governor and council; and for the compensation of employees and for other

necessary expenses may expend such sums from the unexpended balance heretofore appropriated for the use of the commission on necessities of life appointed under chapter three hundred and forty-one of the General Acts of nineteen hundred and nineteen and from the unexpended balance appropriated for the expenses of fuel administration pursuant to chapter six hundred and ten of the Acts of nineteen hundred and twenty as shall be approved by the governor and council. The transfer of the unexpended balance appropriated as aforesaid for the expenses of fuel administration is hereby authorized.

SEC. 4. The commission shall investigate all complaints made to it, and may publish its findings. It shall keep in touch with the work of Federal and municipal and other agencies dealing with the necessities of life, and give them such assistance as it deems advisable, and may invoke the aid of said agencies and of civic and other organizations.

Powers.

SEC. 5. The commission shall make a report to the general court not later than the first Wednesday of January, nineteen hundred and twenty-two.

Report.

SEC. 6. The powers and duties of the commission on the necessities of life appointed under chapter three hundred and forty-one of the General Acts of nineteen hundred and nineteen and of the fuel administrator appointed under chapter three hundred and forty-two of the General Acts of nineteen hundred and seventeen and chapter six hundred ten of the Acts of nineteen hundred and twenty shall terminate on May first, nineteen hundred and twenty-one, and all the books, records, and other papers of the said commission and of the said fuel administrator shall be turned over to the commission and the fuel administrator appointed under the terms of this act.

Former commission.

Approved April 27, 1921.

CHAPTER 341.—*Employment of children—General provisions.*

[This act amends section 95, chapter 149, of the General Laws (sec. 66, ch. 514, Acts of 1909, as amended) so as to read as follows:]

SECTION 95. No minor over sixteen and under twenty-one shall be employed in a factory, workshop, manufacturing, mechanical, or mercantile establishment, or in a public or private bowling alley, pool or billiard room, bootblack stand or establishment, barber shop, or in the construction or repair of buildings, or by an express or transportation company, except as provided for pupils in cooperative courses, unless his employer procures and keeps on file an educational certificate showing the age of the minor and his ability or inability to read and write as herein-after provided. Such certificates shall be issued by the person authorized by section eighty-seven to issue employment certificates. The person authorized to issue such educational certificates shall, so far as practicable, require the proof of age stated in said section. He shall examine the minor and certify whether or not he possesses the educational qualifications described in section one of chapter seventy-six. Every such certificate shall be signed, in the presence of the person issuing it, by the minor in whose name it is issued.

Certificate required.

Issue.

Every employer of such minor shall keep their educational certificates accessible to any officer mentioned in section ninety-two and shall return said certificates to the office from which they were issued within two days after the date of the termination of the employment of said minors. If the educational certificate of any minor over sixteen and under twenty-one fails to show that said minor possesses the educational qualifications described in section one of chapter seventy-six, no person shall employ such minor while a public evening school is maintained in the town where the minor resides, unless such minor is a regular attendant at such evening school or at a day school and presents to his em-

Attendance at evening school.

ployer each week a school record of such attendance. When such record shows unexcused absences, such attendance shall be deemed to be irregular and insufficient. The person authorized to issue educational certificates, or teachers acting under his authority, may, however, excuse justifiable absence or waive the school attendance requirements of this section if in the opinion of the school physician the physical or mental condition of a minor is such as to render attendance harmful or impracticable. Whoever retains an educational certificate contrary to this section or fraudulently secures or alters such certificate shall be punished by a fine of not less than ten nor more than one hundred dollars.

Approved, April 30, 1921.

CHAPTER 351.—*Employment of children—General provisions.*

[This act amends sections 86 and 94, chapter 149, of the General Laws (secs. 57 and 64, chapter 514, Acts of 1909, as amended) so as to read as follows:]

Certificates on
file.

SECTION 86. No person shall employ a child between fourteen and sixteen or permit him to work in, about, or in connection with any factory, workshop, manufacturing, mechanical, or mercantile establishment, or in any employment as defined in section one, other than street trades as defined in sections sixty-nine to seventy-three, inclusive, unless the person employing him procures and keeps on file, accessible to the attendance officers of the town, to agents of the department of education, and to the department of labor and industries or its authorized agents or inspectors, the employment certificate issued to such child, and keeps a complete list of the names and ages of all such children employed therein conspicuously posted near the principal entrance of the building

Cooperative
courses.

where they are employed: *Provided*, That pupils in cooperative courses in public schools may be employed by any cooperating factory, manufacturing, mechanical, or mercantile establishment or workshop, or any employment as defined in section one, upon securing from the superintendent of schools a special certificate covering this type of employment. Children between fourteen and sixteen employed in private domestic service or service on farms shall be required to secure a special certificate issued by the superintendent of schools covering such employment. On termination of the employment of a child whose employment or special certificate is on file, said certificate shall be returned by the employer within two days after said termination to the office of the superintendent of schools or school committee from which it was issued. Any person who retains an employment certificate contrary to this section shall be punished by a fine of not less than ten nor more than one hundred dollars.

Domestic and
farm service.

Enforcement.

SEC. 94. Inspectors, agents of the department of education, and attendance officers may require that the employment or educational certificates and lists of minors employed in any establishment or occupation for which employment or educational certificates are required shall be produced for their inspection. A failure so to do upon request shall be prima facie evidence of the illegal employment of any minor whose certificate is not produced or whose name is not so listed.

Approved, May 2, 1921.

CHAPTER 410.—*Employment of children—Age limit—Street trades.*

[This act amends section 60, chapter 149, of the General Laws (sec. 56, chapter 514, Acts of 1909), section 65, chapter 149, General Laws (sec. 8, chapter 831, Acts of 1913), section 69, chapter 149, General Laws (sec. 11, chapter 831, Acts of 1913), and section 70, chapter 149, General Laws (sec. 12, chapter 831, Acts of 1913), so as to read as follows:]

SECTION 60. Except as provided in section sixty-nine, no person shall employ a minor under fourteen or permit him to work in or about or in connection with any factory, workshop, manufacturing, mechanical or mercantile establishment, barber shop, footblack stand or establishment, public stable, garage, brick or lumber yard, telephone exchange, telegraph or messenger office, or in the construction or repair of buildings, or in any contract or wage-earning industry carried on in tenement or other houses. No such minor shall be employed at work performed for wage or other compensation, to whomsoever payable, during the hours when the public schools are in session, nor, except as provided in section sixty-nine, shall he be employed at work before half past six o'clock in the morning or after six o'clock in the evening.

Age limit.

SEC. 65. No person shall employ a minor under sixteen or permit him to work in, about, or in connection with any establishment or occupation named in section sixty, or for which an employment certificate is required, for more than six days in any one week, or more than forty-eight hours in any one week, or more than eight hours in any one day, or, except as provided in section sixty-nine, before half past six o'clock in the morning, or after six o'clock in the evening. The time spent by such a minor in a continuation school or course of instruction as required by section twenty-two of chapter seventy-one shall be reckoned as a part of the time he is permitted to work.

Work time.

SEC. 69. No boy under twelve and no girl under eighteen shall, in any city of over fifty thousand inhabitants, sell, expose, or offer for sale any newspapers, magazines, periodicals, or any other articles of merchandise of any description, or exercise the trade of bootblack or scavenger, or any other trade, in any street or public place.

Street trades.

A boy over twelve may engage or be employed in any city or town in the sale or delivery of newspapers, magazines, or other periodicals in a street or on a newspaper route: *Provided*, That no minor under fourteen may so engage or be employed during the hours that the public schools of the city or town in which such minor resides are in session nor before six o'clock in the morning nor after eight o'clock in the evening, nor unless such minor has secured a badge from the officer authorized to issue employment certificates in the city or town where he resides to which badge sections seventy-one and seventy-two shall apply.

SEC. 70. No minor under sixteen shall engage or be employed in any of the trades or occupations mentioned in the preceding section unless such minor complies with all the provisions of the three following sections and with all the legal requirements concerning school attendance, and unless a badge has been issued to such minor by the officer authorized to issue employment certificates in the city or town where such minor resides.

Scope of act.

Approved May 19, 1921.

CHAPTER 461.—*State police—Use in labor disputes.*

SECTION 1. Chapter twenty-two of the General Laws is hereby amended by inserting after section nine the following new section:

SEC. 9A. Whenever the governor shall deem it necessary to provide more effectively for the protection of persons and property and for the maintenance of law and order in the Commonwealth, he may authorize the commissioner [of public safety] to make additional appointments not exceeding fifty in number to the division of State police, together with such other employees as the governor may deem necessary for the proper administration thereof. * * * *Provided*, That said force shall not be used or called upon for service in any industrial dispute unless actual violence has occurred therein, and then only by order of the governor or the person acting in his place. * * *

Force enlarged.

Use restricted.

Approved, May 27, 1921.

CHAPTER 462.—*Vocational rehabilitation—State and Federal cooperation.*

Appropriation. [This act contains the customary provisions of law on this subject (see pp. 37, 38), omitting the provision as to gifts to the fund. The sum of \$10,000 is appropriated for the ensuing year.]

MICHIGAN.

ACTS OF 1921.

ACT No. 43.—*Department of labor and industry.*

SECTION 1. There is hereby created a department to be known and designated as the department of labor and industry of the State of Michigan, which shall possess the powers and perform the duties hereby granted and imposed. The administration of said powers and duties shall be vested in a commission of three members appointed by the governor with the advice and consent of the senate. Each member of the commission shall devote his entire time in the performance of the duties of his office. Each member of said commission shall qualify by taking and filing the constitutional oath of office and shall hold office until the appointment and qualification of his successor. Any vacancy shall be filled in the same manner as appointments are made in the first instance. The chairman of such commission shall be appointed by the governor, and shall have general charge of and supervision over the administrative affairs of such department in so far as relates to the division and assignment of the work thereof. It shall be the duty of the board of State auditors to provide suitable offices at the city of Lansing for the department hereby created.

Department
created.

SEC. 2. The commission may adopt rules and regulations not inconsistent with law for the governing of its own organization and procedure. It shall also adopt a suitable seal, of which all the courts shall take judicial notice, and all orders and official proceedings shall be authenticated thereby. The commission shall have power to appoint such deputies, assistants, and employees as may be necessary for the performance of the duties hereby imposed, the compensation to be paid thereto and the number of such deputies, assistants, and employees to be subject to the approval of the State administrative board. Each of such deputies shall take and file the constitutional oath of office and shall possess all of the power and authority conferred by act number ten of the Public Acts of Michigan, of the first extra session of nineteen hundred twelve, and the amendments thereto, upon the deputy members of the industrial accident board, and by act number two hundred eighty-five of the Public Acts of Michigan of nineteen hundred nine, and amendments thereto, upon the deputy commissioner of labor. Each member of the commission shall receive an annual salary of four thousand dollars; and all officers and employees of the department shall be entitled to their necessary expenses incurred while traveling in performance of any of the duties hereby imposed. All salaries and expenses hereby authorized shall be paid in the same manner as the salaries and expenses of other State officers and employees are paid.

Rules.

Staff.

Salaries.

SEC. 3. The powers and duties now vested by law in the industrial accident board, the department of labor, the State labor commissioner, the board of boiler rules, created by act number one hundred seventy-four of the Public Acts of nineteen hundred seventeen, and the industrial relations commission are hereby transferred to and vested in the department of labor and industry hereby created. Immediately on the taking effect of this act, the boards, departments, commission, and officers whose powers and duties are hereby transferred shall be abolished and whenever reference thereto is made in any law of the State reference shall be deemed to be intended to be made to the department of labor and industry. Any hearing or other proceeding pending before any such department, board, commission, or officers shall not be abated but shall be deemed to be transferred

Powers.

to the commission provided for in section one of this act, and shall be conducted and determined thereby in accordance with the provisions of the law governing such hearing or proceeding.

Reports.

Sec. 4. On or before the first day of January of each year in which a regular session of the legislature is held, the commission shall make and file with the governor a report covering the preceding biennial period, covering the activities of the department and the receipts and disbursements made thereby. Said report shall be accompanied by the recommendations of the commission with reference to such changes in the laws applying to or affecting industrial and labor conditions as the said commission may deem expedient. Said report shall, if so ordered by the board of State auditors, be printed by the board of State auditors and shall be distributed in such manner and to such persons, organizations, institutions; and officials as the board of State auditors may direct.

Act in effect.

Sec. 5. This act shall take effect on the first day of July, nineteen hundred twenty-one; and all acts or parts of acts in any way contravening the provisions of this act shall be deemed to be superseded and repealed as of said date. All records, files, and other papers belonging to any of the departments, boards, commissions, and offices the duties of which are hereby transferred to the department of labor and industry shall be turned over to said department and shall be continued as a part of the records and files thereof.

Approved April 12, 1921.

ACT No. 139.—*Railroads—Protection of employees on locomotives.*

Equipment of
cabs.

SECTION 1. It shall be unlawful for any railroad company to use within the State of Michigan on its line or lines December first to April first of each year any locomotive engine not equipped with either approved and suitable cab curtains or with a vestibule cab. Such curtains or vestibule cab shall be so constructed and applied as deemed best and most efficient by the Michigan Public Utilities Commission and shall enclose the openings between the engine cab and water tank or coal tender attached to such engine: *Provided, however,* That nothing in this section shall be construed to prohibit the passage of a locomotive engine not so equipped with either such side curtains or such vestibule cab moving on its own steam, either with or without a train, when such movement is from a point without this State, through and to a point beyond its borders, or from a point without this State to a point within it, or from a point within this State to a point without it, if such passage is for the purpose of moving it to or from a repair shop or shops for the purpose of repairing such locomotive engine, or when it is not intended for service within this State.

Act in effect.

Sec. 2. The provisions of this act shall take effect December first, nineteen hundred twenty-one.

Violations.

Sec. 3. Any person or corporation or its officers or agents who violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars or more than one hundred dollars for each day that such engine is used.

Enforcement.

Sec. 4. It shall be the duty of the Michigan Public Utilities Commission to enforce the provisions of sections one and two of this act.

Approved May 10, 1921.

ACT No. 211.—*Vocational rehabilitation—State and Federal cooperation.*

[Sections 1 to 5, 8 to 10, and 12 to 15, inclusive, contain in general the standard provisions on this subject (see pp. 37, 38). An

appropriation equal to the Federal allotment is made for the fiscal years 1922 and 1923. Other provisions are as follows:]

SECTION 6. The State Industrial Accident Board in passing upon all compensation cases coming under its jurisdiction shall determine whether the person is sufficiently disabled to make it impossible for him to continue in his previous vocation and determine also whether the individual is willing to undertake vocational training to rehabilitate said person or prepare him to undertake some other vocation which he may be able to pursue and shall report to the State board for vocational education the names and addresses of all persons so examined and their findings in regard to the probabilities of the need of further educational training and the willingness of the disabled person to undertake such training. The State accident board may also advise the State board of control for vocational education as to the proper vocation for such disabled person to undertake and for this purpose the said State industrial accident board may employ a person skilled in vocational guidance to assist said board in the examination of disabled persons.

Preliminary action.

SEC. 7. The State board of control for vocational education shall formulate such rules and regulations as may be necessary for the operation of suitable schools, departments, or courses of study in educational institutions already established or any educational departments of corporations which provide vocational training in order to provide for suitable training for the vocational rehabilitation of persons disabled in industry or otherwise. The said State board shall also make necessary rules and regulations concerning the placement and employment of persons so retained in the several vocations to which they are adapted and for which they have been trained.

Rules for schools, etc.

SEC. 11. The State board of control for vocational education shall provide for the proper instruction or the instruction and training of persons who have been disabled in industry or otherwise and who are being trained for return to civil employment, and upon the approval of the work done and the receipt of satisfactory reports, the said State board for vocational education through its executive officer shall certify to the auditor general the amount of such Federal and State moneys due to each board of education or board of control or corporation maintaining a vocational school or department for the purposes hereinbefore mentioned. The auditor general shall upon such certificate of the executive officer of said board draw his warrant upon the State treasury for the amount of such moneys due to each board of education or board of control or corporation and said amounts shall be forwarded to the address of such boards or corporations.

Instruction.

Approved May 17, 1921.

ACT No. 288.—*Railroads—Height of wires over tracks.*

SECTION 6. Said [public utilities] commission shall also, as soon as practicable after the passage of this act, either by personal examination or otherwise, obtain information as to all places where the tracks of railroads or street railways are crossed by wire strung over said tracks and wherever, in its judgment, such wires should be raised to a greater height or other thing done with reference thereto, to guard against accidents, it shall order such change or changes to be made and shall apportion any expense incident thereto between the companies or persons affected as it may deem just and reasonable: *Provided*, That in no case shall the height of any wire strung across such railroad tracks be less than twenty-two feet from the established grade of said railroad or street railway tracks.

Adjustments required.

Approved May 18, 1921.

FIRST EXTRA SESSION.

ACT No. 15.—*Employed children—Continuation schools.*

Amendments. [This act amends No. 421, Acts of 1919, adding agricultural schools to the classes that may be established, fixing 17 years instead of 18 as the maximum age of children to be considered, and requiring two years' high school training instead of four years. Children may be excused if their wages are needed for support of themselves or family, and four of the eight hours' required instruction may be by way of approved supervised instruction "given under working conditions."]

*Constitution (amendment).*ARTICLE V. SECTION 29.—*Employment of labor—Hours and conditions.*

Scope. The legislature shall have power to enact laws relative to the hours and conditions under which men, women, and children may be employed.

Ratified at November election, 1920.

MINNESOTA.

ACTS OF 1921.

CHAPTER 81.—*Industrial commission.*

SECTION 1. The department of labor and industries is hereby continued as a department of the State government, under the control and management of the industrial commission of Minnesota, hereinafter created, and the office of commissioner of labor is hereby abolished. Department continued.

SEC. 2. There is hereby created a commission to be known as the "Industrial Commission of Minnesota," hereinafter called the commission. The commission shall be composed of three commissioners who shall be appointed by the governor by and with the advice and consent of the senate. The first three commissioners shall be appointed within thirty (30) days after the passage of this act and before the adjournment of the present legislature, if practicable. One shall be appointed for a term commencing March 15, 1921, and ending June 30, 1923; one for a term commencing March 15, 1921, and ending June 30, 1925; and one for a term commencing March 15, 1921, and ending June 30, 1927; and thereafter each commissioner shall be appointed for a term of six years. Not more than two commissioners shall belong to the same political party. Inasmuch as the duties to be performed by such commission vitally concern the employers, employees, as well as the whole people of the State, it is hereby declared to be the purpose of this act that persons be appointed as commissioners who shall fairly represent the interests of all concerned in its administration. Any vacancy on the commission shall be filled by the governor by and with the advice and consent of the senate for the unexpired portion of the term in which the vacancy occurs. Commission created.

SEC. 3. Each commissioner shall receive an annual salary of \$4,500, payable in the same manner that other State salaries are paid. Each commissioner shall devote his entire time to the duties of his office. The commissioner whose term first expires shall be chairman. Each commissioner, before entering upon the duties of his office, shall take the oath prescribed by law. Salaries, etc.

SEC. 4. The governor may at any time remove a commissioner for inefficiency, neglect of duty, or malfeasance in office. Before such removal he shall give such commissioner a copy of the charges against him and fix a time when he shall be heard in his own defense, which shall not be less than ten days thereafter, and such hearing shall be open to the public. If such commissioner shall be removed, the governor shall file in the office of the secretary of state a complete copy of all the charges made against such commissioner and his findings thereon, with a record of the proceedings. Such power of removal shall be absolute and there shall be no right of review in any court whatsoever. Removal from office.

SEC. 5. Every commissioner and every officer or employee of the commission, who by solicitation or otherwise exerts his influence, directly or indirectly, to induce other officers or employees of the State to adopt his political views, or to favor any particular person or candidate for office, or to contribute funds for campaign or political purposes, shall be removed from his office or position by the authority appointing him. Political action.

SEC. 6. The commission shall keep its office at St. Paul and shall be provided by the custodian of State property with suit- Office.

able rooms and necessary furniture. The commission may, however, hold sessions at any other place in the State when the convenience of the commission and the parties interested so requires.

- Organization.** SEC. 7. Upon the taking effect of this act, the commission shall meet at the State capitol and organize. A majority of the commissioners shall constitute a quorum for the exercise of the powers conferred and the duties imposed on the commission. A vacancy shall not impair the right of the remaining commissioners to exercise all the powers and perform all of the duties of the commission.
- Office to be open.** SEC. 8. The department of labor and industries shall be open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. The sessions of the commission shall be open to the public and may be adjourned from time to time. All the proceedings of the commission shall be shown on its records, which shall be public records.
- Seal.** SEC. 9. The commission shall have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words "Industrial Commission of Minnesota — Seal," and such other design as the commission may prescribe. The courts of this State shall take judicial notice of such seal and of the signatures of the chairman and the secretary of the commission; and in all cases copies of orders, proceedings, or records of the commission, certified by the secretary of the commission under its seal, shall be received in evidence, with the same force and effect given to the originals.
- Secretary.** SEC. 10. The commission shall appoint a secretary, who shall receive an annual salary not exceeding \$3,500, and who shall hold office at the pleasure of the commission. It shall be the duty of the secretary to keep a full and true record of all proceedings of the commission, to issue all necessary processes, writs, warrants, and notices which the commission is required or authorized to issue, and generally to perform such other duties as the commission may prescribe.
- Staff.** SEC. 11. The commission may appoint with complete and absolute power of removal such division heads or chiefs, deputy division heads or chiefs, managers, assistant managers, superintendents, officers, agents, architects, accountants, experts, engineers, physicians, and referees as may be necessary for the exercise of its powers and the performance of its duties; and subject to the provisions of General Statutes 1913, sections 3813, 3814, 3815, 3816, which shall be applied as far as applicable may also appoint such statisticians, inspectors, deputy inspectors, and other employees, and assistants as may be necessary for the exercise of its powers and the performance of its duties. The commission shall prescribe the duties and fix the salaries of all such appointees which shall not exceed in the aggregate the amount appropriated by the legislature for that purpose. All persons holding positions in the department of labor and industries or under the State board of arbitration on June 1, 1921, shall be transferred by the commission to the department of labor and industries as herein constituted, and assigned to such positions and duties as the commission may designate.
- Expenses.** SEC. 12. The commission and the officers, assistants, and employees of the commission shall be paid out of the State treasury their actual and necessary expenses while traveling on the business of the commission. Vouchers for such expenses shall be itemized and sworn to by the persons incurring the expense, and be subject to the approval of the commission.
- Powers transferred.** SEC. 13. On and after June 1, 1921, the commission shall possess all the powers and perform all the duties now conferred and imposed by law on the department of labor and industries and the State board of arbitration except that any power or duty vested in the commissioner of labor at the time of the taking effect of this act and requiring individual action, shall, on the taking effect of

this act, be exercised or performed by such member of the commission, or officer or employee of the department, as shall be designated by the commission. The State board of arbitration, as now constituted, is hereby abolished.

Sec. 14. The department of labor and industries shall consist of the following divisions, to wit: Division of workmen's compensation, division of boiler inspection, division of accident prevention, division of statistics, division of women and children, division of employment, division of mediation and arbitration, and such other divisions as the commission may deem necessary and establish. Each division of the department and persons in charge thereof shall be subject to the supervision and direction of the commission and of any commissioner assigned to supervise the work of such division, and, in addition to such duties as are or may be imposed on them by statute, shall perform such other duties as may be assigned to them by the commission.

Sec. 15. The commission shall have the following powers and duties:

(1) To exercise such powers and perform such duties concerning the administration of the workmen's compensation laws of the State as may be conferred and imposed on it by such laws.

(2) To exercise all powers and perform all duties now conferred and imposed on the department of labor and industries as heretofore constituted, and the bureaus of such department, so far as consistent with the provisions of this act.

(3) To establish and conduct free employment agencies, and after the first day of June, 1921, to supervise the work of private employment offices all as now provided by law; to make known the opportunities for self-employment in this State, to aid in inducing minors to undertake promising skilled employments, to encourage wage earners to insure themselves against distress from unemployment, to investigate the extent and causes of unemployment in the State and remedy therefor, and to devise and adopt the most efficient means in its power to avoid unemployment.

(4) To promote the voluntary arbitration, mediation, and conciliation of disputes between employers and employees in order to avoid strikes, lockouts, boycotts, black lists, discriminations, and legal proceedings in matters of employment. In pursuance of this duty it may appoint temporary boards of arbitration or conciliation, provide the necessary expenses of such boards, order reasonable compensation not exceeding \$15 per day for each member engaged in such arbitration or conciliation, prescribe rules of procedure for such arbitration or conciliation boards, conduct investigations and hearings, issue or publish statements, findings of facts, conclusions, reports, and advertisements, and may do all other things convenient and necessary to accomplish the purposes directed in this act. The commission may designate a subordinate, to be known as chief mediator, and may detail other assistants or employees for the purpose of executing these provisions, without extra compensation. In order to carry out the provisions of this subsection the industrial commission, or any commissioner thereof, the chief mediator or any temporary board of conciliation or arbitration, shall have power to administer oaths to witnesses and to issue subpoenas for the attendance of witnesses; and if any person refuses to comply with any subpoena issued by the commission, a commissioner, the chief mediator, or a temporary board of conciliation or arbitration, or if any witness refuses to testify regarding that about which he may be lawfully interrogated, the judge of any district court of any county in the State, on application of the commission or of a commissioner, shall compel obedience by attachment proceedings as for contempt, as in the case of the disobedience of a subpoena issued by such court.

(5) To adopt reasonable and proper rules and regulations relative to the exercise of its powers and duties, and proper rules

Divisions.

Powers and duties.

Workmen's compensation.

Inspection, etc.

Employment agencies.

Labor disputes.

Rules.

to govern its proceedings and to regulate the mode and manner of all investigations and hearings. But such rules and regulations shall not be effective until ten days after their adoption. A copy of such rules and regulations shall be delivered to every citizen making application therefor.

Statistics.

(6) To collect, collate, and publish statistical and other information relating to the work under its jurisdiction and to make public reports in its judgment necessary. On or before the first Monday in January of each year the commission shall report its doings, conclusions, and recommendations to the governor, which report shall be printed and distributed biennially to the members of the legislature and otherwise as the commission may direct.

Branch offices.

(7) To establish and maintain branch offices as needed for the conduct of its affairs.

Repealer

SEC. 16. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 14, 1921.

CHAPTER 83.—*Inspection of steam boilers.*

Division created.

SECTION 1. On and after the first day of June, 1921, there shall be a division in the department of labor and industries to be known as the "Division of boiler inspection." The chief of such division shall be known as the "Chief of the division of boiler inspection," and he shall have an assistant to be known as the "Deputy chief of the division of boiler inspection." There shall also be in such division a district boiler inspector for each boiler inspection district then provided for by law.

Inspectors.

Powers transferred.

SEC. 2. On and after the first day of June, 1921, the powers and duties then by law vested in and imposed on the board of boiler inspectors, the district boiler inspectors, the chief boiler inspector, and his subordinates shall be exercised and performed by the industrial commission and its subordinates as functions of the division of boiler inspection.

Staff.

SEC. 3. On the first day of June, 1921, the then incumbent of the office of chief boiler inspector shall become "Chief of the division of boiler inspection," the then incumbent in the office of deputy chief boiler inspector shall become "Deputy chief of the division of boiler inspection," and the then incumbents of the offices of district boiler inspectors shall become district boiler inspectors under this act; and all persons then holding subordinate positions in the office of chief boiler inspector shall be transferred by the industrial commission to the division of boiler inspection and assigned to such positions as the industrial commission shall designate.

Offices terminate.

SEC. 4. On and after the first day of June, 1921, the board of boiler inspectors and, as now constituted, the offices of chief boiler inspector and deputy chief boiler inspector shall terminate.

Fees.

SEC. 5. All fees hereafter collected in the administration of functions heretofore exercised and performed by the board of boiler inspectors, district boiler inspectors, chief boiler inspector, and deputy chief boiler inspector, except as otherwise provided by chapter 240, Laws of 1919, shall be paid into the State treasury in the manner provided by law for fees received by other State departments.

Reports.

SEC. 6. All reports and notices heretofore required by law to be made or given to the board of boiler inspectors, district boiler inspectors, or the chief boiler inspector shall be hereafter made or given to the industrial commission.

Repealer.

SEC. 7. All acts and parts of acts so far as inconsistent with the provisions of this act and not otherwise are hereby repealed.

Approved March 15, 1921.

CHAPTER 84.—*Minimum wage commission—Transfer of duties.*

SECTION 1. On and after the first day of June, 1921, the powers and duties then by law vested in and imposed upon the minimum wage commission shall be exercised and performed by the industrial commission of Minnesota and its subordinates as a part of the functions of the division of women and children in the department of labor and industries. Powers transferred.

SEC. 2. On the first day of June, 1921, persons then serving as secretary and employees of the minimum wage commission shall be transferred by the industrial commission to the division of women and children in the department of labor and industries and assigned to such positions as the industrial commission shall designate. Staff.

SEC. 3. On and after the first day of June, 1921, the minimum wage commission, as heretofore constituted, shall have no further legal existence, except that it shall within ten days after such date submit to the governor a report covering the period extending to such date from the date of the last report of such minimum wage commission. Commission terminated.

SEC. 4. All acts and parts of acts so far as inconsistent with the provisions of this act and not otherwise are hereby repealed. Repealer.

Approved March 15, 1921.

CHAPTER 113.—*Factory, etc., regulations—Safety provisions.*

SECTION 1. It shall be unlawful for any employer of labor in this State to require or permit any employee to engage in any occupation or process of employment in which there is danger of serious injury to the eyes of such employees or of surrounding workmen from flying objects or particles thrown by machines or tools or from the splashing of hot substances or chemicals, unless and until the employer shall furnish to each employee subjected to such hazard goggles, helmets, or other practical protective devices to prevent such injuries. Goggles, etc., required.

SEC. 2. It shall be unlawful for any employee to engage in any occupation or process of employment mentioned in section 1 of this act unless he shall wear or use the protective devices furnished by the employer during the entire time he is engaged in such occupation or employment. Duty of employees.

SEC. 2½. The provisions of this act shall not apply to persons employed in steam and electric transportations. Exceptions.

SEC. 3. The goggles and helmets required in section 1 of this act shall be of a design and material approved by the commissioner of labor for the purposes required, and shall be furnished separately for each employee using them without cost to such employee, and no employee shall be required nor shall he use the goggles or helmet furnished to another until the same has been adequately sterilized to prevent the transmission of diseases. Design.

SEC. 4. Every employer neglecting or refusing to furnish the goggles, helmets, or other protective devices required in this act after being notified to do so by the commissioner of labor or his assistants or who requires an employee to use the goggles or helmet provided for another employee before the same has been properly sterilized and any employee who neglects or refuses to use the devices furnished by the employer or who uses the goggles or helmet furnished to another before it has been properly sterilized shall be guilty of a misdemeanor, punishable by a fine of not less than twenty-five (\$25) dollars, or by imprisonment for not less than fifteen (15) days. Violations of this act shall not affect the right of an employee to compensation or to damages under the laws of this State for injury sustained by neglect to comply with the requirements of this act: *Provided, however,* That this act shall not apply to nor include farm labor. Individual use.

Violations. Violations.

Approved March 23, 1921.

CHAPTER 318.—*Employment of children in street trades.*

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| Age limit. | SECTION 1. No boy under sixteen years of age and no girl under eighteen years of age shall engage in or carry on or be employed or permitted or suffered to be employed in any city of the first, second, or third class in the occupation of peddling, bootblacking, or distributing or selling newspapers, magazines, periodicals, or circulars upon streets or in public places: <i>Provided, however,</i> that any boy between fourteen and sixteen years of age, upon application to the school authorities, as in the case of application for an employment certificate, and upon compliance with all the requirements for the issuance of an employment certificate, shall receive a permit and badge from the officer authorized to issue employment certificates, which shall authorize the recipient to engage in said occupations between the hours of five o'clock a. m. and eight o'clock p. m. of each day, but at no other time, except as provided in section 3 hereof: <i>And provided further,</i> That any boy between twelve and sixteen years of age, upon application as provided in the preceding section and upon due proof of age and physical fitness in the manner provided by law for the issuance of employment certificates, may receive a permit and a badge from the officer authorized to issue employment certificates which shall authorize the recipient to engage in said occupations during those hours between five o'clock a. m. and eight o'clock p. m., when the public schools of the city where such boy resides are not in session; but at no other time except as provided in section 3 hereof. |
| Certificate. | |
| After 8 p. m. | SEC. 2. Any boy who has received a permit and a badge may sell after eight o'clock in the evening extra editions of daily newspapers: <i>Provided, however,</i> That nothing herein contained shall be construed to permit the violation of a curfew ordinance of any city. |
| Deposit for badge. | SEC. 3. The sum of twenty-five cents (25c.) shall be deposited with the city treasurer for the use of each badge, which sum shall be refunded upon its return. Badges shall not be transferable and shall be good only in the city in which they are issued. They shall be displayed by the recipient at all times while engaged in any of the occupations hereby permitted, in such manner as may be prescribed by the officer issuing the same. No boy to whom a permit and a badge have been issued as provided herein shall permit the same to be carried, worn, or used by another. |
| Use. | |
| Violations. | SEC. 4. Any child who persistently violates any of the provisions of this act shall be deemed delinquent. The school attendance officers of the cities to which this act applies are hereby charged with its enforcement. |
| Recall of permit. | SEC. 5. Any permit or badge issued as provided herein may be recalled at the discretion of the officer issuing the same; and upon an adjudication of delinquency against any boy to whom a permit and badge have been issued pursuant to the provisions of this act the court may, in addition to such other correction as may be deemed advisable, require him to surrender his permit and badge for a period to be determined by the court. |
| Carriers exempt. | SEC. 6. Nothing in this act shall be construed to apply to the regularly employed newspaper carriers or to persons distributing newspapers, magazines, or periodicals to regular subscribers at their residences or established places of business. |

Approved April 15, 1921.

CHAPTER 379.—*Payment of wages of State employees—Semi-monthly pay day.*

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| Scope. | SECTION 1. All employees of the State of Minnesota shall receive compensation due them for services rendered semimonthly: <i>Provided,</i> That this shall not apply to elective officers and heads of State departments who may be appointed thereof. |
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CHAPTER 388.—*Hours of labor on public works.*

[This act amends section 3832, General Statutes 1913 (sec. 1799, R. L. 1905), by excepting road work from the eight-hour limit fixed by the law. Agricultural work is no longer excluded.] Exception.

CHAPTER 389.—*Protection of persons seeking employment—Foremen, etc., accepting fees.*

[This act amends section 8890, General Statutes of 1913 (sec. 5097, R. L. 1905), by inserting after the first sentence:]

It shall be unlawful for any person, company, or corporation, or any officer or employee thereof, to coerce, require, or influence any person to contribute or pay to any person, company, or corporation, or any officer or employee thereof, any sum of money or other valuable thing for the sole purpose of securing or retaining employment with such person, firm, or corporation. Payments for employment.

Approved April 20, 1921.

CHAPTER 429.—*Employment of children—School attendance.*

[This act permits aid from the poor fund of the county to be given children of compulsory school attendance age where it is claimed that their labor is necessary to their own support or the support of those entitled to their services.] Aid to certain children.

CHAPTER 436.—*Vocational rehabilitation.*

SECTION 1. The employees of the division of reeducation and placement of disabled persons created by chapter 365, Laws 1919, shall have the right to receive from the railroad and warehouse commission under section 4233, General Statutes 1913, the names and addresses of persons injured. No information obtained from such reports nor any copy of the same shall be open to the public, nor shall any of the contents thereof be disclosed in any manner by any official or clerk or other employee of the State having access thereto, but the same may be used solely to enable the division to offer the benefits of reeducation to the persons injured. Information available.

Sec. 2. Any disclosure prohibited by section 1 is hereby declared to be a misdemeanor and punishable as such. Confidential.*

Approved April 23, 1921.

CHAPTER 481.—*Railroads—Shelter for employees on repair tracks, etc.*

SECTION 1. Section 3 of chapter 514, General Laws, 1919, is hereby amended so as to read as follows:

Sec. 3. All buildings to be erected hereunder shall substantially comply with the following specifications: Specifications.

In buildings that cover more than one track the distance between the inside rails of each track shall not be less than twelve lineal feet. Between the walls of the building and the outside rails there shall be a distance of ten lineal feet, except that where buildings have been constructed prior to January 1, 1921, the distance between the walls thereof and the outside rails shall not be less than seven and one-half feet. The building or buildings shall not be less than twenty feet high at the eaves. Each building shall be enclosed from roof to ground and shall have glass windows on each side with a space of not to exceed twelve feet apart. The side windows shall not be less than nine feet high, and not less than four feet wide. Windows shall be in three sections and sections shall be provided with pivoted or sliding sash. The buildings shall be equipped with side and end doors. The end track doors shall be not less than six feet wide Windows.

- Doors.** and sixteen feet high, and there shall be two such doors for each repair track covered by the building. Side doors shall be provided for each side of building. The size of said doors shall be great enough to allow the convenient handling of the larger materials required to be taken into said building.
- Roof.** The roof shall be provided with a cupola the entire length of the building, and be equipped with side windows of not less than three feet in width and six feet in height, having pivot and opening device that shall be at all times operative. One cupola or monitor shall be provided for each building that contains not to exceed four repair tracks. For buildings enclosing more than four tracks, skylights shall be provided to insure adequate light over each car that men are required to work on. In lieu of above cupola, monitors, and skylights, sawtooth-roof construction may be used or monitors crosswise of the buildings to provide adequate light and ventilation. The buildings shall be equipped with necessary heating facilities, and shall at all times have drainage that will keep them in clean and sanitary condition. They shall be equipped with sanitary drinking fountains where clean, wholesome drinking water can be obtained. A sufficient number of sanitary lavatories shall be provided for said employees and sanitary toilets shall be provided and kept properly clean, ventilated, and free from odor, as required by chapter 491 of the General Laws of 1919, sections 9, 10, 11, and 12. All scaffolding used in such buildings shall be made of clear lumber, free of all knots, and shall be kept in first-class condition at all times. The use of paint spraying machines shall not be permitted inside such buildings.
- Equipment.** It shall be the duty of the railroad and warehouse commission to determine as soon as practicable what portion of the repair or construction tracks of each railroad in the State it shall be necessary to cover with such building or buildings in order to comply with section one hereof, and said commission shall thereupon make an order as to each railroad in the State specifying the size of the building or buildings necessary at each location where such repair or construction work is carried on, and it shall thereupon be the duty of each railroad company to forthwith erect such buildings and have all the same ready for occupancy not later than September 1, 1922. The railroad and warehouse commission may, upon application made, after a thorough investigation, permit any person, firm, or corporation, subject to the provisions of this act, to deviate from the specifications and requirements hereinbefore provided for, when, in the judgment of said commission, a strict compliance with the provisions herein would be impracticable or unnecessary: *Provided*, That any employee who while engaged in the performance of his duty is required or permitted to ride on the top or side of a car in putting the car or cars into or taking them out of any such building may be injured or killed by reason of any structure or obstruction, or any part or portion of said building having been placed or built in closer proximity to the tracks upon which said cars are being moved, than eight feet from the center of said tracks or twenty-one feet from the tops of the rails thereof, shall not be deemed to have assumed the risk thereby occasioned or to have been guilty of contributory negligence, although such employee continued in the employ of the person, firm, or corporation using said tracks, after the location of such obstruction or portion of said building shall have been brought to his knowledge and the exercise of permission from the railroad and warehouse commission as provided for herein shall be at the sole risk of the employer and owner of said building.
- Duty of commission.**
- Variations.**
- Injuries.**

Approved April 23, 1921.

MISSOURI.
ACTS OF 1921.

Employment of children—General provisions.

(Page 184.)

SECTION 1. No child under the age of fourteen years shall be employed or suffered to work at any gainful occupation during the hours when the public schools in the district in which the child resides are in session. Age limit.

SEC. 2. No child over the age of fourteen years and under the age of sixteen years shall be employed or suffered to work at any gainful occupation during the hours when the public school of the district in which such child resides is in session, unless said child has procured and filed permit certificate as herein provided for. Certificates.

SEC. 3. No child under the age of sixteen years shall be employed at any gainful occupation for more than forty-eight hours in any one week, nor before the hour of seven o'clock in the forenoon nor after the hour of seven o'clock in the afternoon of any one day. Work time.

SEC. 4. The provisions of this act shall not apply to children under sixteen years of age engaged in agricultural pursuits or in domestic service or to children working for their parents or guardians, and nothing in this act shall be so construed as to authorize any child under sixteen years of age to be employed at any gainful occupation dangerous to the life, limb, or health of such child as defined by the law. Exceptions.

SEC. 5. No child under the age of fourteen years shall be employed at any gainful occupation when the school of the district in which such child resides is not in session unless such child shall have a permit certificate issued in the manner and by the authority herein directed, and no child over fourteen years of age and under sixteen years of age shall be employed at any gainful occupation while the public school of its district is in session, unless such child has a permit certificate issued in the manner and by the authority herein provided for, and no permit certificate shall be in force without renewal for a longer period than three months from the date of issuance thereof. Vacation permits.

SEC. 6. No child under the age of sixteen years shall be employed, permitted, or suffered to work at any of the following occupations or in any of the following positions: Belted sewing machines in any workshop or factory, or assisting therein in any capacity whatever; adjusting any belt to any machinery; oiling, wiping, or cleaning machinery or assisting therein; operating or assisting in operating circular saws; wood jointers; wood shapers; planers; sandpaper or wood-polishing machinery; picker machines; machines used in picking wool; machines used in picking cotton; machines used in picking hair; machines used in picking upholstering material; paper-lacing machines; leather-burnishing machines; burnishing machines in any tannery or leather manufactory; job or cylinder printing presses, operated by power other than foot power; emery or polishing wheels used for polishing metal; wood-turning or boring machinery; stamping machines used in sheet metal and tinware manufacturing; stamping machines used in washer and nut factories; corrugating rolls, such as are used in roofing and washboard factories; steam boilers; steam machinery, or other steam-generating apparatus; dough brakes, or cracker machinery of any description; wire or strengthening machinery; rolling-mill machinery, punches or shears; School-time permits.
Occupations forbidden.

washing, grinding, or mixing mills; calender rolls in rubber manufacturing; laundering machinery; preparing any composition in which dangerous or poisonous acids or alkalies are used; manufacture of paints, colors, or white lead; dipping, drying, or packing matches; manufacturing, packing, or storing powder, dynamite, nitroglycerine compounds, fuses, or other explosives; manufacture of goods for immoral purposes; nor in, about, or in connection with any brewery or other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled; hotel; concert hall; moving-picture show; pool or billiard hall; wholesale drug store; saloon or place of amusement; nor in operating any automobile, motor car, or truck; nor in any bowling alley; nor in any other employment declared by the State industrial inspector to be dangerous to lives and limbs, or injurious to the health or morals of children under the age of sixteen: *Provided*, That the provisions of this section shall not apply to children engaged in working with machinery in any manual training school, under supervision of an instructor.

Issue of certificates.

SEC. 7. Permit certificates shall be issued only by the superintendent or principal of the public school of the district wherein such child resides, or by some person appointed by an order of the board of directors, board of education, or the body having local supervision of public schools, entered on record. No permit certificate shall be issued to any child until such child, its parents or guardians, has furnished satisfactory proof to the person to whom application has been made that there exists a necessity for the labor of such child and that the work in which it is about to be engaged is neither dangerous to the person nor deleterious to health, and before such permit shall be issued the certificate of some reputable physician shall be made and filed with the officer issuing the permit, showing that said child is in good mental and physical health and is capable of performing labor without injury to the health or mental development of such child, together with an affidavit of the parent, parents, or guardian of said child showing date of birth and age of such child. Whenever the provisions of this section have been complied with and the person authorized to issue the labor permit is satisfied that there exists a necessity that such child should be permitted to work and that such child is in sound health, he may issue to such child a permit certificate, permitting it to work at the occupation therein to be designated for a period of three months from the date thereof.

Renewals.

SEC. 8. The officer authorized to issue permits may renew any labor permit at the expiration thereof upon a satisfactory showing upon the part of the child that a necessity exists for a continuation of its employment and that such child is in good health. Such extension of time shall be made by writing upon the certificate the following words: "This certificate is extended for a period of ninety days from this date," and by signing his name thereto.

Files and posting.

SEC. 9. Whenever any child is employed at any gainful occupation permitted by the laws of this State the employer of such child shall take and preserve on file the labor permit of said child and shall keep posted in a conspicuous place in the factory or place where said child works a list of all children who are laboring under and by virtue of labor permits. The form for all labor permits shall be prepared by and shall contain such information concerning the identity of the child as may be prescribed by the State superintendent of public schools.

Fees.

SEC. 10. No fee shall be charged to any child for a labor permit issued under provisions of this law. The board of education of each school district shall cause to be printed, at the expense of such district, such blank labor permits as will be necessary to carry out the provisions of this act.

Inspection.

SEC. 11. All certificates of employment shall be subject to inspection of the State industrial inspector and any industrial inspector may for cause cancel any labor permit.

SEC. 12. Whenever any labor permit has been denied any child by any one person authorized to issue such permit no further permit shall be granted by any other person authorized to issue permits for a period of thirty days from the date of such denial. **Refusal.**

SEC. 13. The presence of any child under sixteen years of age in any place where labor is employed shall be presumptive evidence that said child is employed therein. **Evidence.**

SEC. 14. Any person violating any provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding six months or by fine of not more than \$500. **Violations.**

Approved April 16, 1921.

Vocational rehabilitation—State and Federal cooperation.

(Page 690.)

[The provisions of this act are in general those of the laws of other States on the subject (see pp. 37, 38). The appropriation act sets apart the sum of \$80,858.88 for this purpose for the fiscal years 1921-22, 1922-23.] **Appropriation.**

MONTANA.

CHAPTER 45.—*Railroads—Medical aid for injured employees.*

[This act amends section 1 of chapter 95, Acts of 1909. The change is one of language only, the effect remaining unchanged.]

CHAPTER 47.—*Industrial accident board—Inspection of boilers, mines, etc.*

[This act amends sections 1 and 2 of chapter 92, Acts of 1917, the only change being the omission of steamboat inspectors from the act.]

CHAPTER 51.—*Protection of employees on street railways.*

[This act combines sections 1727 and 1728 of the Revised Codes of 1907 as section 1727, repealing section 1728. The practical effect of the statute is the same.]

CHAPTER 66.—*Payment of wages due discharged employees.*

[This act amends section 3 of chapter 11, Acts of 1919, so as to read as follows:]

SECTION 3. Whenever any employee is discharged from the employment of any such person, copartnership, or corporation, except agricultural, on leaving said employment, then all the unpaid wages of such employees shall immediately become due and payable on demand, and if such person, copartnership, or corporation fails to pay any such discharged employee, within twenty-four hours after such discharge and demand, all the wages due and payable to him, then the same penalty of five per cent shall attach to said person, copartnership, or corporation, and become due such employee as provided in section 2 of this act: *Provided, however,* That if the employer shall, within the period herein specified, tender in money to such discharged employee the full amount of the wages lawfully due such employee, the penalty herein provided shall not attach.

Approved February 2, 1921.

CHAPTER 75.—*Employment of children—School attendance.*

[This act amends sections 1100, 1101, and 1103 of chapter 76, Acts of 1913. Section 1100 is amended by advancing the maximum age for compulsory school attendance from 14 to 16 years; also by inserting the following proviso:]

Provided, however, That children fourteen years of age or over who have successfully completed the school work of the eighth grade, or whose wages are necessary to the support of the family of such child, may be employed during the time that the public schools are in session upon making the proof and securing the age and schooling certificate provided for in the following section.

[Another amendment eliminates the requirement as to unemployed children between 14 and 16, as the law now covers all children up to 16.

Section 1101 is amended by correcting the age for a certificate as given by the amending act of 1919 (ch. 43), so as to read "14 years or over." instead of 16 or over. Such certificate may be issued to a child whose labor is necessary to furnish support, "even though the said child may not have completed said eighth grade work."

The amendment to section 1103 is immaterial as labor legislation.]

CHAPTER 98.—*Fire escapes on factories, etc.*

Clear escape. [This act is practically identical with chapter 213, Acts of 1919, which it presumably repeals under a general repealer. The only substantive change is in section 2, inserting after the word "strength" in the first sentence the words "to which there shall be free, unoccupied, and unobstructed passage, and free, unoccupied, and unobstructed ingress and egress to and from the interior of the building."

The maximum limit for fines for violations is stricken out in section 6.]

CHAPTER 149.—*Vocational rehabilitation—State and Federal cooperation.*

[This act embodies the standard provisions of the State laws on this subject (see pp. 37, 38), together with some additional matter. The sum of \$10,000 per year is set aside to meet the maximum allowance from the Federal fund.

Section 5 reads as follows:]

Definition. SECTION 5. "Persons disabled in industry or otherwise," shall, for the purposes of this act, mean any person, who by reason of a physical defect or infirmity, whether congenital or acquired by accident, disease, or injury, is or may be expected to be totally or partially incapacitated for remunerative occupation, and who may reasonably be expected to be fit to engage in a remunerative occupation after completing a vocational rehabilitation course. To be eligible to receive vocational rehabilitation from the State board, such persons must have been domiciled within the State for one year or more, or reside in the State at the time of sustaining disability. No portion of any appropriations made for the purposes of 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 State board.

Use of fund.

CHAPTER 159.—*Railroads—Reimbursement of losses to employees due to changing division points.*

Removal. SECTION 1. When any railroad or railway company operating its line of road in, into, or through the State of Montana shall move any of its division points or terminals it shall be liable to any employee of such railroad or railway company for any damage sustained by such employee by reason of any decrease in value of any real property actually occupied by such employee as his place of residence, which decrease in value shall be caused by reason of the removal of such division point or terminal: *Provided*, Such employee shall have in such property so damaged an estate of freehold. Such damages shall be collectible in any court of competent jurisdiction.

Liability.

Release.

SEC. 2. *Provided*, That when any railroad or railway company in good faith determines upon a change or removal of any division point or terminal and in good faith posts prominently about its station house, shops, and yards a statement of its intention so to do, in such manner as to give reasonable notice thereof to such employee, it shall not be liable as hereinbefore provided for any decrease in value of any interest in any property purchased after the time of such posting: *Provided*, That such division point or terminal shall be changed or removed within six months after the date of such posting.

Approved March 5, 1921.

CHAPTER 160.—*Mine regulations—Examination and licensing of inspectors, etc.*

[This act amends chapter 120, Acts of 1911, in regard to the provisions for examining applicants for the position of State coal

mine inspector. The examining board is also to examine applicants desiring employment as mine foremen and mine examiners.]

CHAPTER 185.—*Mine regulations—Provisions for first aid.*

[This act amends section 93 of Chapter 120, Acts of 1911, which requires stretchers, blankets, etc., to be kept at mines, by adding thereto the following:]

There shall also be provided at any mine where more than five hundred (500) men are employed an ambulance of standard make or kind to be used for the purpose of transporting sick or injured workmen from the mine to the hospital or home of such sick or injured workmen: *Provided, however,* That mines employing less than five hundred (500) men may jointly, when located within a radius of six (6) miles of each other, provide an ambulance as provided in this section for the joint service of such mines, which ambulance shall be kept at the mine or garage that is most centrally or conveniently located for the service of the joint users.

Approved March 5, 1921.

CHAPTER 216.—*Department of agriculture, labor, and industries.*

SECTION 1. There is hereby created a department of the government of the State of Montana to be known as the "Department of Agriculture, Labor, and Industry." The general purpose of said department is the promotion of the agricultural and labor interests of the State of Montana as hereafter more specifically provided.

SEC. 2. The chief executive officer of the department of agriculture, labor, and industry, hereinafter referred to as the commissioner of agriculture, shall be a commissioner of agriculture, to be appointed by the governor, by and with the consent of the Senate, and such commissioner shall hold office for a term of four years or until his successor is appointed and qualified.

SEC. 3. Before entering upon the duties of his office the commissioner of agriculture shall take and subscribe the constitutional oath of office, and shall give a surety company bond in the sum of \$5,000 conditioned for the faithful performance of his duties, the cost of said bond to be paid by the State. The commissioner shall receive an annual salary of \$5,000, payable in the same manner as the salaries of other State officers, and shall be allowed such expenses as may be actually and necessarily incurred in the performance of his duties. He shall maintain his office at the State capitol.

SEC. 4. The commissioner of agriculture is empowered to prescribe regulations not inconsistent with law for the government of his department, the conduct of its employees and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto. He shall also have authority to designate the form of and to use a seal to authenticate his official acts.

SEC. 5. The commissioner of agriculture shall have the authority to appoint for the performance of the work of said department such number of secretaries, assistants, clerks, and other employees as he shall deem necessary for the performance of the work of the department, subject, however, to the approval of the State board of examiners. All persons so employed shall receive the compensation fixed by law or fixed by the board or department to whom may be intrusted the power to fix the compensation of deputy State officers and employees; if not so fixed, the commissioner of agriculture shall determine the amount of said compensation. No employee of the department of agriculture, labor, and industry who is paid a fixed compensation shall receive pay for any extra services rendered by him unless expressly authorized by law.

Ambulance.

Joint service.

Purpose.

Title.

Surety.

Salary.

Authority.

Assistants.

- Divisions.** SEC. 9. There shall be four main divisions of the department of agriculture, labor, and industry, to wit:
 The division of farming and dairying.
 The division of grain standards and marketing.
 The division of horticulture.
 The division of labor and publicity.
 The divisions hereby created are intended for the sole purpose of promoting the logical and convenient classification of the work of the department, and nothing herein contained shall be deemed to prevent any person engaged in the work of a particular division from performing the work of another division; the commissioner may likewise create additional divisions at his discretion.
- Change permitted.**
- Division of labor.** SEC. 56. The division of labor and publicity. The department of agriculture, labor, and industry, through the division of labor and publicity, shall be charged with the duty of enforcing all the laws of Montana relating to hours of labor, conditions of labor, protection of employees, and all laws relating to child labor regulating the employment of children in any manner; it shall also be the duty of such division to administer all the laws of the State relative to free employment offices.
- Duties.**
- Employment agencies.** SEC. 57. It is the duty of the city council of any incorporated city of the first or second class within this State, and it shall be lawful for the city council of any other incorporated city, to provide for the establishment of a free public employment office to be conducted on the most approved plans, and to provide for the expenses thereof out of the revenues of the city in which the same is established. The annual report of the department of agriculture, labor, and industry shall contain a detailed account of all such free employment offices within the State showing the number of applicants for employment, the number securing employment, and the expenses of maintaining such office.
- Powers.** SEC. 58. In discharging the duties imposed upon the division of labor and publicity, the commissioner of agriculture shall have power to administer oaths, to examine witnesses under oath, to take depositions or cause same to be taken, to deputize any male citizen over the age of 21 years to serve subpoenas upon witnesses, and to issue subpoenas for the attendance of witnesses before him in the same manner as for attendance before district courts. The commissioner of agriculture shall likewise have the authority to inspect any mine, factory, workshop, smelter, mill, warehouse, elevator, foundry, machine shop, or other industrial establishment, and any person who shall refuse to the commissioner, admission to any of the industrial establishments herein enumerated when admission is requested for the purpose of inspection, or who shall, when requested by the commissioner, willfully neglect or refuse to furnish to him any statistics or other information which may be in the possession or under the control of such person, or who shall refuse to obey any subpoena issued by the commissioner, shall be deemed guilty of a misdemeanor and be punished accordingly. Nothing herein contained shall in any manner confer upon the commissioner of agriculture the authority to interfere in any manner with the conduct of the matters under the control of the industrial accident board, nor shall said commissioner be charged with the duty of enforcing any of the laws of the State of Montana pertaining to the affairs of said industrial accident board, nor with the enforcement of the safety provisions of the workmen's compensation act.
 [This act abolished the department of labor and industry, created by chapter 55, Acts of 1913, repealing that act.]
 Approved March 5, 1921.
- Limitations.**

CHAPTER 242.—*Employment of children—Continuation schools.*

- Schools to be established.** SECTION 1. Any school district, or any district of the first class in which a county high school is located, in which said district there shall reside or be employed, or both, not fewer than fifteen

children over fourteen years of age and less than eighteen years of age, who have entered upon employment, shall establish part-time schools or classes for such employed children.

Sec. 2. A part-time school or class established in accordance with the terms of this act shall provide an education for children who have entered employment, which shall be either supplemental to the work in which they are engaged, continue their general education, or promote their civic or vocational intelligence.

Nature.

Sec. 3. All children of first class districts of the State shall attend school until the age of eighteen, unless they are excused from school to enter employment, in accordance with sections 1100, 1101, and 1102 of chapter 11 of the school laws of Montana [ch. 76, Acts of 1913], or unless they shall have completed a high-school course.

Attendance.

Sec. 4. Whenever any district or county high-school board shall deem it inexpedient to organize part-time schools or classes for employed minors, it shall state the reasons for such inexpediency in a petition to the State board of education, and when the State board of education shall judge such reasons as valid the district or county high-school board shall be excused from the establishment of such part-time schools or classes.

Districts excused.

Sec. 5. Part-time schools or classes established in accordance with the provisions of this act shall be in session not less than four (4) hours a week between the hours of 8 a. m. and 6 p. m. during the weeks which other public schools are maintained in the district or county establishing such part-time schools or classes.

Hours.

Sec. 6. The State board of education shall establish rules and regulations governing the organization and administration of part-time schools and classes and shall expend from funds appropriated for the promotion of vocational education such sums of money as are necessary for the proper enforcement of this act.

Regulation.

Sec. 7. Whenever the number of hours for which a child over fourteen years and less than eighteen years of age may be employed shall be fixed by the Federal or State law, the hours of attendance upon the part-time school or class organized in accordance with the terms of this act shall be counted as a part of the number of hours fixed for legal employment by Federal or State laws.

Counted as work time.

Sec. 8. Every parent, guardian, or other person in the first class school district in the State of Montana having control of any child or children between and including the ages of fifteen and seventeen who have entered upon employment shall be required to send such child or children to a part-time school or class whenever there shall have been such part-time school or class established in the district where the child resides or may be employed.

Duty of parents.

Sec. 9. In case any parent, guardian, or other person in first class school districts in the State of Montana having control or charge of any child or children between and including the ages of fifteen and seventeen shall fail to comply with the provisions of this act he shall be deemed guilty of a misdemeanor, and shall on conviction thereof be subject to a fine of not less than five dollars nor more than twenty dollars for each separate offense.

Violations.

Sec. 10. Any person, firm, or corporation employing a child between the ages of fourteen and eighteen shall permit the attendance of such child upon a part-time school or class whenever such part-time school or class shall have been established in the first class district where the child resides or may be employed, and any person, firm, or corporation employing any child over fourteen and less than eighteen years of age contrary to the provisions of this act shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each and every offense.

Duty of employers.

- Enforcement.** SEC. 11. The officers charged by law with the responsibility for enforcement of attendance upon regular public schools of children over eight years of age shall also be charged with the responsibility for the enforcement of attendance upon part-time schools or classes of minors over fourteen years and less than eighteen years of age, in accordance with terms of this act.
- Division of expense.** SEC. 12. Whenever any part-time schools or classes shall have been established in accordance with the provisions of this act and the rules and regulations established by the State board of education, and shall have been approved by the State board of education, the first class district or county high school shall be entitled to reimbursement for the expenditures made for the salaries of teachers and coordinators of such part-time schools or classes of fifty per cent of the moneys so expended, such reimbursement to be made from Federal and State funds available for the promotion of vocational education.
- Exemptions.** SEC. 13. Attendance upon private schools of an established reputation in the district in which such part-time school is held for a period of at least four hours per week shall be accepted in lieu of attendance at a district part-time school: *Provided, however,* That only those schools shall be deemed schools of an established reputation which have been accredited by the State department of public instruction.
- Other schools.** SEC. 14. Any school district of the first class in which there shall reside or be employed, or both, not fewer than fifteen (15) children over fourteen (14) years of age and less than eighteen (18) years of age, who have entered upon employment shall establish and maintain part-time schools or classes for such employed children. When a county high school is located in a district of the first class, and functions in place of a district high school, such county high school shall establish part-time schools or classes and share equally in maintenance for such classes with the district in which such high school is located.

Approved March 8, 1921.

RESOLUTIONS.

HOUSE JOINT RES. No. 7.—*Old-age insurance—Investigation.*

- Who to investigate.** The Seventeenth Legislative Assembly of the State of Montana does hereby request the industrial accident board of the State of Montana to investigate the conditions governing the wage earners of the State of advanced age, and to report the findings and conclusions of the said industrial accident board covering the study made of the old-age problem among the State's wage earners, with a view to recommending proper and comprehensive legislation to the members of the eighteenth legislative assembly.

Report.

Approved March 5, 1921.

NEBRASKA.

ACTS OF 1921.

CHAPTER 53.—*Employment of children—School attendance.*

[This act amends section 6924 of the Revised Statutes of 1913. School attendance is made compulsory for children up to 16 years of age, unless graduated from high school. Exceptions that involve employment conditions are:]

(c) The portion of this act requiring attendance in public, private, denominational, or parochial day schools shall not apply * * * in any case where the services or earnings of the child or youth, being of the age of fourteen years, are necessary for his own support or the support of those actually dependent upon him. * * * In case the services or earnings of a child or youth, being of the age of fourteen years, are necessary for his own support or the support of those actually dependent upon him, the person having legal or actual charge of such child who has completed the work of the eighth grade may apply to the superintendent or principal of the school district in which the child resides in all districts except those organized under Article III of chapter 71 of the Revised Statutes of Nebraska for 1913, in which districts application shall be made to the county superintendent of schools, and the superintendent or principal may, in his discretion, issue a permit allowing such child or youth to be employed. All children who are fourteen years of age and less than sixteen years of age, residing in districts where a part-time continuation school is maintained by authority of the public school district, who are granted permits to be employed under the provisions of this subsection shall be required to attend a public, private, denominational, or parochial part-time continuation school eight hours of each week during the entire school year.

Exception.

Permit.

Part-time attendance.

Approved April 25, 1921.

CHAPTER 54.—*Employed children—Part-time schools.*

SECTION 1. Section 7 of chapter 267 of the Session Laws of Nebraska for 1919 is hereby amended to read as follows:

SEC. 7. The board in control of the public school of any public-school district in the State having at least fifteen children between the ages of fourteen and sixteen years who are regularly and legally employed shall establish a part-time school or class, and shall require such children to attend said school or class regularly for not less than eight hours a week while so employed and until they reach the age of sixteen years: *Provided*, That no person over sixteen years of age who is regularly and legally employed shall be barred from attendance upon said part-time schools or classes.

Schools established, when.

Every person residing within the State of Nebraska who has legal or actual control of any minor or minors between the ages of fourteen and sixteen years who are regularly and legally employed shall cause such minor or minors to attend regularly upon such part-time school or class as shall be established in accordance with this act. It shall be unlawful for any regularly and legally employed minor between the ages of fourteen and eighteen years to fail or refuse to attend such part-time school or class. It shall be unlawful for any person, firm, or corporation to employ any such minor between the ages of fourteen and sixteen years of age for more than forty hours in any

Attendance required.

one week, nor more than eight hours in any one day, nor before the hour of six o'clock in the morning or after the hour of eight o'clock in the evening, nor unless such minor shall attend regularly upon such part-time school or class as herein required, unless such minor has graduated from the high school of the district in which he resides or from a school of equal grade, or unless such minor is exempt from the requirements of this article by reason of physical or mental incapacity for the work to be done in the schools as provided in subsection (d) of section 6924 of the Revised Statutes of Nebraska for 1913, as amended by chapter 155 of the Session Laws of Nebraska for 1919. Any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five dollars nor more than twenty-five dollars for each offense.

Organization of schools.

* * * Such part-time schools or classes shall be organized in accordance with the rules and regulations which may be established by the State board of vocational education. Such part-time schools or classes shall provide instruction which shall continue education in elementary or secondary school subject or instruction supplementary to the employment in which such minors over fourteen and under sixteen years of age are engaged. Whenever such part-time schools or classes shall be established they shall share in any Federal and State funds available for the promotion and support of vocational education in the State of Nebraska.

Approved April 23, 1921.

CHAPTER 189.—*Private employment offices.*

[This act supersedes and repeals chapter 207, Acts of 1919, which was practically identical with Article V of Title IV, chapter 190, Acts of 1919. The main provisions of the act are unchanged. The term "secretary of labor" is substituted for "department of labor," and the secretary is authorized to administer oaths, subpoena witnesses, and require the production of books, records, etc., in connection with the enforcement of the law.]

Enforcement.

Fees.

The additional fee allowed to be charged by section 8 may not, added to the \$2 fee for registration, exceed 10 per cent of the first month's earnings in the position furnished; and if the applicant fails through no fault of his own to remain in service and other places are furnished, not more than one fee may be charged every three months.

Revocation of license.

For a second offense of dividing fees with foremen, etc., the license is to be revoked (sec. 10).

Enforcement is to be by criminal proceedings by the secretary of labor (sec. 12). For a second conviction a license shall be revoked. The special penalty for sending a female to a place of bad repute, etc., applies only where the offense was committed "knowingly."

Disposition of fees.

A new section 13 (subsequent sections being renumbered) directs that fees, etc., collected by the secretary of labor go to the State treasurer.]

CHAPTER 235.—*Picketing.*

Acts forbidden; As to persons;

SECTION 1. It shall be unlawful for any person or persons, singly or by conspiring together, to interfere, or to attempt to interfere, with any other person in the exercise of his or her lawful right to work, or right to enter upon or pursue any lawful employment he or she may desire, by doing any of the following acts, to wit: By using profane, insulting, indecent, offensive, annoying, abusive, or threatening language toward such person or any member of his or her immediate family, or in his, her, or their presence or hearing, for the purpose of inducing or influencing, or attempting to induce or influence, such person to

quit his or her employment, or to refrain from seeking or freely entering into employment, or to persist in talking to or communicating in any manner with such person or members of his or her immediate family against his, her, or their will for such purpose, or to follow or to intercept such person from or to his work, from or to his home or lodging, or about the city, against the will of such person, for such purpose, or to photograph such person against his will, or to menace, threaten, coerce, intimidate, or frighten in any manner such person for such purpose, or to commit an assault or assault and battery upon such person for such purpose, or to loiter about, picket, or patrol the place of work or residence of such person, or any street, alley, road, highway, or any other place, where such person may be, or in the vicinity thereof, for such purpose against the will of such person.

SEC. 2. It shall be unlawful for any person or persons, singly or conspiring together, to loiter about, beset, patrol, or picket in any manner the place of business or occupation of any person, firm, or corporation engaged in any lawful business or occupation, or any street, alley, road, highway, or other place in the vicinity where such person, firm, or corporation may be lawfully engaged in his, their, or its work, business, or occupation, for the purpose of inducing or influencing, or attempting to induce or influence, others not to trade with, buy from, sell to, work for, or have business dealings with such person, firm, or corporation, so that thereby the lawful business or occupation of such person, firm, or corporation will be obstructed, interfered with, injured, or damaged, and such person, firm, or corporation thereby be induced or coerced against his, their, or its will, intimidated, or threatened to do something he, they, or it may legally refrain from doing, or to refrain from doing something he, they, or it may lawfully do.

As to places.

SEC. 3. Any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$10.00 nor more than \$100.00, or shall be imprisoned not to exceed sixty days, or shall, in the discretion of the court, be both fined and imprisoned.

Penalties.

Approved April 25, 1921.

CHAPTER 306.—*Employers' liability insurance—Inspection of premises.*

SECTION 1. Article 13, Title V, chapter 190 of the Laws of Nebraska for 1919 [shall] be amended by the addition thereto of a new section to be numbered section 24, to read as follows:

SEC. 24. Whenever any employer shall insure liability to employees as provided by law in any liability insurance company or companies, or in any mutual insurance association, and such insurance company or associations shall, by agent, representative, or otherwise, inspect the premises covered by the insurance policy, such company or association shall furnish to the department of labor a full and complete copy of the report of the physical defects, together with recommendations made by such agent, representative, or other inspector making the report. Willful failure to comply promptly with the provisions of this section shall be sufficient cause for the revocation of the charter of such insurance company or association.

Copy of report.

Approved April 21, 1921.

NEVADA.

ACTS OF 1921.

CHAPTER 129.—*Employment of labor on public works—Aliens.*

[This act amends chapter 168, Acts of 1919, and now limits employment to citizens or wards of the United States and "persons honorably discharged from the military service of the United States." Aliens employed where such persons are not available must give way to the preferred classes if such apply for employment.] Who may be employed.

An amendment to section 2 provides that any failure or refusal to comply with the act shall render a contract void.]

CHAPTER 138.—*Labor commissioner.*

[This act amends section 4 of chapter 203, Acts of 1915, by adding to his activities "the power and authority, when in his judgment he deems it necessary," to collect wages and other valid demands of persons financially unable to employ counsel.] Collection of wages.

CHAPTER 157.—*Employment of children—School attendance.*

[This act amends section 3443 of the Revised Laws so as to read as follows:]

SECTION 3443. Each parent, guardian, or other person in the State of Nevada having control or charge of any child between the ages of seven and eighteen years shall be required to send such child to public school during the time in which a public school shall be in session in the school district in which said child resides, but such attendance shall be excused when satisfactory evidence is presented to the board of trustees of the school district in which such child resides: Attendance required.

1. That the child's bodily or mental condition or attitude is such as to prevent or render inadvisable attendance at school or application to study. A certificate from any reputable physician that the child is not able to attend school or that its attendance is inadvisable must be taken as satisfactory evidence by any such board; or Exceptions.

2. That the student has already completed the twelve grades of the grade and high-school courses; but any student between the ages of fourteen and eighteen years who has completed the work of the first eight grades may be excused from full-time school attendance and be permitted to enter proper employment or apprenticeship by the authority of the board of trustees. In all such cases no employer or other person shall contract for the services or time of such student until the student presents a written permit from the attendance officer or school trustees. This permit must be kept on file by the employer, and on discharge of the employed minor must be returned by the employer to the school authorities issuing same; or

3. That the child is receiving under private or public tutelage, at home or in school, equivalent instruction fully approved by the school trustees as to kind and amount; or

4. That a child fourteen years of age or over must labor for its own or its parents' support; or

5. That the deputy superintendent shall determine that the child's residence is located at such distance from the public school as to render attendance impracticable or unsafe.

Approved March 21, 1921.

CHAPTER 177.—*Employment of children—Continuation schools.*

[This act amends section 3 of chapter 85, Acts of 1919, so as to read as follows:]

- Who to attend.** SECTION 3. All employed children of the State between the ages of fourteen and eighteen years shall attend part-time classes established in their respective districts as hereinafter provided, unless they have completed the eight grades of the prescribed grammar-school course, or the equivalent thereof, and are excused
- Exceptions.** from attendance by authority of the board of school trustees for any of the following reasons:
1. That such attendance would endanger the security of employment in a highly desirable and respectable position;
 2. That the distance between the place of employment and the school building is so great as to make part-time attendance impossible or impracticable;
 3. That the student is bound to an apprenticeship under a satisfactory contract;
 4. That the student is excused from attendance in accordance with the terms of subdivisions 1, 2, and 3 of section * * * [3443, R. L.], including all amendments thereto.
- Age.** [Sections 10 and 11 are amended by changing "fifteen and seventeen" when they occur to "fourteen and eighteen," to conform to the amendment of section 3 in respect of ages covered.]

NEW HAMPSHIRE.

ACTS OF 1921.

CHAPTER 68.—*Payment of wages.*

[This act amends section 21 of chapter 180 of the Public Statutes, requiring the weekly payment of wages, and section 1 of chapter 78, Acts of 1911, requiring their payment in cash, by making the same applicable to persons and firms as well as to corporations.]

Scope of act.

CHAPTER 85.—*Employment of children—General provisions.*

[This act is a revised school code. The portions affecting the employment of children are as follows:]

PART I.

SECTION 8. The State board, through the commissioner of education acting as the executive officer of the board shall, * * * law.

Enforcement of

Enforce the laws relative to school attendance and the employment of minors; and for this purpose the board and its deputies are vested with the power given by law to truant officers.

PART II.

SECTION 17. School boards shall appoint truant officers for their districts.

Truant officers.

SEC. 19. Truant officers shall, when directed by the school board, enforce the laws and regulations relating to truants and children between the ages of eight and sixteen years not attending school, and without any regular and lawful occupation; and the laws relating to the attendance at school of children between the ages of eight and twenty-one years; and shall have authority without a warrant to take and place in school any children found employed contrary to the laws relating to the employment of children, or violating the laws relating to the compulsory attendance at school of children between the ages of six and twenty-one years, and the laws relating to child labor.

Duties.

PART III.

SECTION 6. Every person between sixteen and twenty-one years of age who can not read and speak English understandingly shall, unless excused by the commissioner of education or by such person as he may designate, attend an evening or special day school, if one is maintained in the district in which he or she either resides or is employed, until he or she has completed the minimum course of studies prescribed by the State board of education.

Who to attend evening schools.

SEC. 7. The provisions relating to illiterates and non-English-speaking persons over sixteen years of age shall not apply to persons employed in cutting, harvesting, or driving pulp wood and timber, nor to persons temporarily employed in any sort of construction or agricultural work.

Exceptions.

SEC. 13. Districts may make by-laws, not repugnant to law, concerning habitual truants and children between the ages of six and sixteen years not attending school and not having a regular and lawful occupation, and to compel the attendance of such children at school, and may annex penalties for the breach thereof not exceeding ten dollars for each offense.

By-laws.

[Sections 16 to 39, inclusive, of this part reenact with slight change chapter 162, Acts of 1911, as amended. Section 17 of that act becomes section 32 of Part III and is essentially changed. A new section, No. 33, is added. These sections are as follows:]

Enforcement.

§**EC.** 32. The inspectors appointed by the State board of education shall inspect all factories and other places of employment within the contemplation of this act and all records and methods of enforcement. They shall have the same power as to enforcement and the serving of warrants as the several truant officers.

The State board of education, with the approval of the attorney general, may employ counsel and provide legal assistance whenever the same may, in its opinion, be necessary for the enforcement of the provisions of this act, and the cost thereof shall be a charge upon the funds appropriated for the use of the board.

Power of governor.

§**EC.** 33. The governor, with the advice and consent of the council, may require school boards to appoint additional truant officers if in their judgment such additional officers are necessary, and may require the school board of any school district to remove any truant officer found by them to be incompetent, and to appoint a competent successor, and upon the failure or neglect of the school board to do so, they may appoint such truant officer and fix his compensation, and such compensation shall be paid by the district.

Certificate.

[Other new matter is added, as follows:]

§**EC.** 40. No person or corporation shall employ a person between sixteen and twenty-one years of age who resides or is employed in a district maintaining an evening school or a special day school and who can not read and speak English understandingly, unless such employer procures and keeps on file in a place readily accessible to all authorized inspectors a certificate of the superintendent of schools for the district in which such minor is employed showing enrollment in an evening or special day school and satisfactory conduct and attendance, or a certificate that he or she has been excused from attending such a school for a reason satisfactory to the commissioner of education.

To show what.**Issue, etc.**

§**EC.** 41. It shall be the duty of superintendents to issue such certificates and to revoke them for cause in proper cases, and they shall keep such a record as is required in the case of the employment of minors under the age of sixteen, and make such reports of their doings in the matter as the commissioner of education may prescribe.

Effect of certificate.

§**EC.** 42. Such certificate shall protect the employer from the date it is issued until the end of the current school year unless sooner revoked by the superintendent, and anyone who employs a person between sixteen and twenty-one years of age contrary to the provisions of this act shall be guilty of a misdemeanor and fined not exceeding fifty dollars. It shall be the duty of truant officers, inspectors appointed by the State board, police officers, constables, sheriffs, and city and county solicitors to enforce the provisions of this section.

Approved April 8, 1921.

CHAPTER 130.—*Factory, etc., regulations.*

Mercantile establishments.**Inspectors.**

[This act amends chapter 183 by bringing mercantile establishments within its provisions. The number of inspectors is increased to three, one of them to be a woman. The salary of the commissioner is fixed at \$2,750 per annum.]

NEW JERSEY.

ACTS OF 1921.

CHAPTER 194.—*Employment of women—Hours of labor.*

[This act amends section 1 of chapter 216, Acts of 1912, so as to read as follows:]

SECTION 1. No female shall be employed, allowed, or permitted to work in any manufacturing or mercantile establishment, in any bakery, laundry, or restaurant more than ten hours in any one day, or more than six days, or fifty-four hours in any one week: *Provided*, That in hotels or other establishments the business of which is in its nature continuous and where the working hours for women do not exceed eight hours per day the provisions of this act shall not apply: *And provided*, That nothing herein contained shall apply to canneries engaged in packing a perishable product such as fruits and vegetables.

Work time.

Exceptions.

Approved April 8, 1921.

NEW MEXICO.

ACTS OF 1921.

CHAPTER 10.—*Company stores.*

SECTION 1. It shall be unlawful for any person, firm, or corporation employing labor in this State, or any agent, superintendent, or boss of said person, firm, or corporation, by threat, direct or indirect, or in any other manner, to coerce or compel any employee to buy goods of or trade with any store, business, or commissary, or to discharge or threaten to discharge any employee for failure so to do. Coercion as to trade.

SEC. 2. A violation of this act on conviction therefor before a court of competent jurisdiction shall subject the offender to a fine of not more than \$200 or less than \$50, or imprisonment for not more than ninety days nor less than thirty days, or both, in the discretion of the court trying the case. Violations.

Approved February 15, 1921.

CHAPTER 128.—*Protection of employees as members of the National Guard.*

SECTION 1. No employer, or agent thereof, shall discharge any person from employment because of being an officer or enlisted man of the New Mexico National Guard, or prevent him from performing any military service he may be called upon to perform by proper authority. Discharge forbidden.

SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction may be fined not exceeding two hundred dollars (\$200), or imprisoned not exceeding six (6) months, or both, at the discretion of the court. Violations.

Approved March 11, 1921.

CHAPTER 132.—*Protection of employees as voters.*

SECTION 1. It shall be unlawful for any employer to make, enforce, or attempt to enforce any order, rule, regulation, or adopt any other device or method to prevent an employee from engaging in political activities, accepting candidacy for nomination or election to, or the holding of political offices, or from holding a position as a member of any political committee, or from soliciting or receiving funds for political purposes, or from acting as a chairman or participating in a political convention, or assuming the conduct of any political campaign. Restrictions by employers.

SEC. 2. Any employer who makes, enforces, or attempts to enforce any order, rule, regulation, or adopts any other device or method for the purposes set out in section 1 of this act, or makes or attempts to make any such order, rule, regulation, or adopts any other such device or method as a condition of employment or otherwise is guilty of a felony, and upon conviction shall be imprisoned in the State prison not less than one year nor more than five years: *Provided*, That if such employer is a corporation, association, company, or partnership, the officer, agent, or other person instigating or issuing such order, rule, regulation, or adopting any other such device or method shall be deemed the principal in the commission of such crime. Violations.

Approved March 11, 1921.

CHAPTER 145.—*Inspection and regulation of factories, etc.*

[This act amends chapter 85, Acts of 1919. Section 10, in so far as it applies to conditions in factories, etc., reads as follows:]

Who to inspect. * * * have power to investigate * * * the effect of localities, employments, and other conditions upon the public health; Powers. to inspect public buildings, institutions, and premises and industries; * * * to regulate the sanitation of * * * factories, workshops, industrial and labor camps, * * *.

Approved March 12, 1921.

CHAPTER 150.—*Employment of children—Hours of labor—Age limit.*

Age limit. SECTION 1. No child under fourteen years of age shall be employed, permitted, or suffered to work in or in connection with any mine, theater, concert hall, or place of amusement, or in any hotel, laundry, manufacturing establishment, bowling alley, passenger or freight elevator, factory, or workshop, or as a messenger or driver therefor within this State.

Employment during school hours. SEC. 2. It shall be unlawful for any person, firm, or corporation to employ any child under fourteen years of age in any business or service whatsoever in this State during the hours when the public schools of the municipal school district or rural school district in which the child resides are in session.

Exemptions. SEC. 3. The provisions of sections 1 and 2 of this act shall not apply when upon the application to the district court of any parent, guardian, or person having the control of any child under the age of fourteen years it shall be shown to the satisfaction of the court that it is necessary for said child to work in some of the places of employment or in some business or service by sections 1 and 2 of this act prohibited, and if it shall further be shown to the satisfaction of the court that the education, physical and moral welfare of such child are fully provided for, and the court shall order such employment.

Work time. SEC. 4. It shall be unlawful for any person, firm, or corporation to employ any child under the age of sixteen years in any business or service whatsoever between the hours of 9 o'clock p. m. and 6 o'clock a. m., or for more than forty-eight hours in any one week or more than eight hours in any one day.

Violations. SEC. 5. Whoever employs a child, or whoever having under his control a child, permits such child to be employed, in violation of any of the provisions of this act, shall be guilty of a misdemeanor, and shall for every offense be fined not less than five dollars nor more than one hundred dollars.

Approved March 12, 1921.

CHAPTER 162.—*Vocational education—State and Federal cooperation.*

Standard provisions. [This act contains the standard provisions of law on this subject (see pp. 37, 38), but makes no provision as to funds. The appropriation act (ch. 206) makes two separate appropriations of \$5,000, apparently for successive years, for industrial rehabilitation.]

CHAPTER 180.—*Employment of women—Hours of labor.*

Work time. SECTION 1. No female shall be employed in any mechanical establishment, or factory, or laundry, or hotel, or restaurant, cafe, or eating house, or in any place of amusement, in this State more than eight hours during any one day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than eight hours during the twenty-four hours of any day and mealtime shall not be included Exemptions. as part of the working hours of the day: *Provided, however, That*

the provisions of this act shall not apply to females employed in offices, as stenographers, bookkeepers, clerks, or in other clerical work, and not required to do manual labor: *And provided further, however,* That no restrictions as to the hours of labor shall apply to canneries or other establishments engaged in preparing for use perishable goods.

SEC. 2. No female shall be employed in any mercantile establishment except drug stores in this State more than nine hours during any one day except Saturdays, when they may be employed not more than eleven hours, or more than fifty-six hours during any one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than nine hours during the twenty-four hours of any day except Saturday and not more than eleven hours during the twenty-four hours of any Saturday, and mealtime shall not be included as a part of the working hours of the day.

Mercantile establishments.

SEC. 3. No female shall be employed in this State by any person, firm, or corporation engaged in any express or transportation or public utility business or by any common carrier more than nine hours during any one day or more than fifty-six hours during any one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than nine hours during the twenty-four hours of any day and mealtime shall not be included as a part of the working hours of the day.

Express, etc., offices.

SEC. 4. Nothing in section 1 of this act shall be construed so as to prevent work in excess of eight hours a day in emergency cases: *Provided,* That in no one week of seven days shall there be permitted more than sixty hours of labor: *And provided,* That work in excess of fifty-six hours of labor in any one week shall be paid for on a basis of time and one-half for such excess.

Emergencies.

SEC. 5. Nothing in section 2 of this act shall be construed so as to prevent work in excess of nine hours a day on days other than Saturdays, and in excess of eleven hours a day on Saturdays, in emergency cases: *Provided,* That in no one week of seven days shall there be permitted more than sixty hours of labor: *And provided,* That work in excess of fifty-six hours of labor in any one week shall be paid for on a basis of time and one-half for such excess.

Same.

SEC. 6. Nothing in section 3 of this act shall be construed so as to prevent work in excess of nine hours a day in emergency cases: *Provided,* That in no one week of seven days shall there be permitted more than sixty hours of labor: *And provided,* That work in excess of fifty-six hours of labor in any one week shall be paid for on a basis of time and one-half for such excess.

Same.

SEC. 7. No female shall be employed in any telephone establishment or office thereof, except telephone establishments where five or less operators are employed and where the average number of calls per hour answered by one operator does not exceed two hundred thirty, more than eight hours in any one day or more than forty-eight hours in any one week where the shift worked is between the hours of 7 o'clock a. m. and 9 o'clock p. m., or more than ten hours in any one day or more than sixty hours in any one week where the shift work is between the hours of 9 o'clock p. m. and 7 o'clock a. m.: *Provided,* That mealtime shall not be included as part of the working hours of that day: *And provided,* That the provisions of this section shall not apply in cases of extreme emergency, resulting from flood, fire, storm, epidemic of sickness, or other like causes.

Telephone exchanges.

SEC. 8. The provisions of this act shall not apply to any female engaged in interstate commerce where the working hours of any such female so engaged are regulated by any act of Congress of the United States.

Interstate commerce.

SEC. 9. Any employer who shall violate any of the provisions of this act, or who shall permit or suffer any overseer, superintendent, or other agent of any such employer to violate any of

Violations.

the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense in a sum not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

Time book.

SEC. 10. Every employer to whom this act shall apply shall keep a time book or record showing for each day that his establishment is open, the hours during which each and every female in his employ to whom this act applies, is employed. Such time book or record shall be open at all reasonable hours to the inspection of either the district attorney of the district, or the sheriff of the county, wherein the employment took place, record of which is required to be kept as herein provided. The failure or omission to keep such record or a false statement contained therein, shall be punishable on conviction thereof by a fine of not less than twenty-five dollars (\$25) nor more than two hundred and fifty dollars (\$250) for each offense.

Approved March 14, 1921.

NEW YORK.

ACTS OF 1921.

CHAPTER 21.—*Employment of children in street trades.*

[This act adds a new article, numbered 22-A, to chapter 16 of the Consolidated Laws, this being the Education Law. The article is substantially sections 220-227 of the Labor Law (ch. 31 of the Consolidated Laws) as amended by chapter 618, Acts of 1913, with the addition of section 161b of the same chapter, added by chapter 21, Acts of 1914. Section 220 of the old labor law becomes section 640 of the Education Law, and so on serially, except that section 161b is inserted as section 645, old sections 225, 226, and 227 becoming sections 646, 647, and 648, respectively. The law appears as a part of the Labor Law in Bulletin No. 148 (pp. 1538-1540), and No. 166 (pp. 173, 174), and is therefore not reproduced here.]

Reenactment of laws.

CHAPTER 22.—*Wages as preferred claims—In receiverships of corporations.*

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

Section 261-a. Upon the appointment of a receiver of a corporation organized under the laws of this State and doing business therein, other than a moneyed corporation, the wages of the employees of such corporations shall be preferred to every other debt or claim. The provisions of section two hundred and thirty of this chapter do not apply to the provisions of this section.

Wage debts.

Became a law March 3, 1921.

CHAPTER 23.—*Wages as preferred claims—In receiverships of partnerships.*

SECTION 1. * * * Chapter thirty-nine of the Consolidated Laws is hereby amended by inserting therein a new section, to be section seventy-one-a, to read as follows:

Sec. 71-a. Upon the appointment of a receiver of a partnership the wages of the employees of such partnership shall be preferred to every other debt or claim.

Wage debts.

Became a law March 3, 1921.

CHAPTER 45.—*Stock for employees of corporations.*

[This act amends section 62-a of chapter 59 of the Consolidated Laws, added by chapter 308, Acts of 1919, which is further amended by chapter 361, below, which see.]

CHAPTER 50.—*Labor law.*

[This act repeals the former Labor Law (ch. 31 of the Consolidated Laws) as amended and enacts a new code on the subject. It is itself amended by various acts of 1921. The changes effected by these later acts are incorporated in the Labor Law as printed herewith:]

ARTICLE I.

SECTION 1. This chapter shall be known as the "Labor Law."

Title.

SEC. 2 (as amended by ch. 489, Acts of 1921). Whenever used in this chapter:

1. "Department" means the department of labor of the State of New York.

Definitions.

- Definitions. 2. "Commissioner" means the industrial commissioner of the State of New York.
3. "Board" means the industrial board of the State of New York.
4. "Rule" means any rule or regulation made by the industrial board and any amendment or repeal thereof.
5. "Employee" means a mechanic, workingman, or laborer working for another for hire.
6. "Employer" means the person employing any such mechanic, workingman, or laborer, whether the owner, proprietor, agent, superintendent, foreman, or other subordinate.
7. "Employed" includes permitted or suffered to work.
8. "Person" includes a corporation or a joint-stock association.
9. "Factory" includes a mill, workshop, or other manufacturing establishment, and all buildings, sheds, structures, or other places used for or in connection therewith, where one or more persons are employed at manufacturing, including making, altering, repairing, finishing, bottling, canning, cleaning, or laundering any article or thing, in whole or in part, except (a) dry-dock plants engaged in making repairs to ships, and (b) power houses, generating plants, and other structures owned or operated by a public service corporation, other than construction or repair shops, subject to the jurisdiction of the public service commission. The provisions of this chapter affecting structural changes and alterations shall not apply to factories or to any buildings, sheds, or other places used for or in connection therewith where less than six persons are employed at manufacturing, except as otherwise prescribed by the rules; nor shall the provisions of this chapter prohibiting the employment of women over twenty-one as proof readers at certain hours apply to newspaper publishing establishments, linotypists, and monotypists.
10. "Factory building" means a building, shed, or structure which, or any part of which, is occupied by or used for a factory, and in which at least one-tenth or more than twenty-five of all the persons employed in the building are engaged in work for a factory, but shall not include a building used exclusively for dwelling purposes above the first story. The provisions of this chapter shall, so far as prescribed by the rules, also apply to a building, not a factory building, any part of which is occupied or used for a factory.
11. "Mercantile establishment" means a place where one or more persons are employed in which goods, wares, or merchandise are offered for sale, and includes a building, shed, or structure, or any part thereof, occupied in connection with such establishment. The provisions of this chapter affecting structural changes and alterations shall not apply to mercantile establishments where less than six persons are employed except as otherwise prescribed by the rules.
- Prohibited employment. SEC. 3. Whenever the provisions of this chapter prohibit the employment of a person in certain work or under certain conditions, the employer shall not permit such person to so work, with or without compensation, and in a prosecution or action therefor lack of consent by the employer shall be no defense.
- Work for a factory. SEC. 4. Work shall be deemed to be done for a factory whenever it is done at any place upon the work of a factory or upon any of the materials entering into the product of the factory, whether under contract or arrangement with any person in charge of or connected with such factory directly or indirectly through one or more contractors or other third persons.

ARTICLE II.

Department of labor. SECTION 10. The department of labor is continued. The head of the department shall be the industrial commissioner. The industrial commissioner shall be appointed by the governor, by and with the advice and consent of the senate. The term of office

Industrial commissioner.

of the commissioner shall be four years, except that the term of the commissioner first appointed hereunder shall expire January first, nineteen hundred and twenty-five.

Sec. 11. There shall be a deputy commissioner, who shall be appointed by and removed at the pleasure of the commissioner.

Deputy commissioner.
Industrial board.

Sec. 12. There shall be in the department an industrial board consisting of three members. The members of such board shall be appointed by the governor, by and with the advice and consent of the senate, one of whom shall be designated by the governor as chairman. Upon the appointment of a successor to the chairman the governor shall designate such successor or other member of the board as chairman. The term of office of a member of such board shall be six years, except that the terms of the members first appointed shall expire, one on January first, nineteen hundred and twenty-three, one on January first, nineteen hundred and twenty-five, and one on January first, nineteen hundred and twenty-seven.

Sec. 13. The industrial commissioner, members of the industrial board, and the deputy commissioner shall, before entering upon the duties of their office, take and subscribe the constitutional oath of office. Such oaths shall be filed in the office of the secretary of state.

Oaths.

Sec. 14. The principal office of the department shall be in the city of Albany in rooms designated by the trustees of public buildings as provided by law. There shall be a branch office in the city of New York and in such other cities of the State as the commissioner may determine.

Offices.

Sec. 15. The commissioner may adopt a seal of the department and require that it be used for the authentication of orders and proceedings and for such other purpose as he may prescribe.

Seal.

Sec. 16. If a vacancy occurs otherwise than by expiration of term in the office of the commissioner or of a member of the industrial board it shall be filled by appointment for the unexpired term. The governor may remove the commissioner or a member of the industrial board for inefficiency, neglect of duty, or misconduct in office after giving him a copy of the charges and an opportunity of being publicly heard in person or by counsel on not less than ten days' notice. If a commissioner or a member of the industrial board be removed the governor shall file with the secretary of state a record of his proceedings in respect of such removal and his findings thereon.

Vacancies and removals.

Sec. 17. The commissioner and members of the industrial board shall devote their entire time to the duties of their respective offices. The commissioner shall receive an annual salary of eight thousand dollars; each member of the industrial board shall receive an annual salary of eight thousand dollars; and the deputy commissioner shall receive an annual salary of seven thousand dollars. The reasonable and necessary expenses of the department and the reasonable and necessary traveling and other expenses of the commissioner, deputy commissioner, members of the industrial board, and other officers and employees of the department, while actually engaged in the performance of their duties, outside of the city of Albany, or if any such officer or employee be in charge or actually employed at a branch office of the department, the reasonable and necessary traveling and other expenses outside of the place in which such branch office is located, shall be paid by the State treasurer upon the audit of the comptroller, upon vouchers approved by the commissioner.

Salaries, and expenses.

Sec. 18 (as amended by chapter 642, Acts of 1921). The officers, deputy commissioners, and employees of the department of labor in office when this section takes effect shall continue in office subject to the power of removal or the appointment of their successors as provided in this chapter. There shall be in such department and the commissioner may appoint such heads of divisions or bureaus and such inspectors, investigators, statisticians, and other assistants, and employees as he shall deem necessary for the exercise of the powers and the performance of the duties

Employees.

of the department. The commissioner, notwithstanding the provisions of any other general or special law, saving and excepting the provisions of section twenty-two of the civil service law, may transfer officers or employees from their positions to other positions in the department, or abolish or consolidate such positions, and may remove any officer or employee in the department.

Referees.

Sec. 19 (as amended by chapter 642, Acts of 1921). The commissioner shall appoint as many persons as may be necessary to be referees to perform the duties prescribed by this section. A referee shall devote his entire time to the duties of his office and shall receive an annual salary to be fixed by the commissioner within the appropriation made therefor. It shall be the duty of a referee, under rules adopted by the industrial board, to hear and determine claims for compensation, and to conduct such hearings and investigations and to make such orders, decisions, and determinations as may be required by any general or special rule or order of the industrial board, under the workmen's compensation law pursuant to the provisions of such law. The decision of a referee on such a claim shall be deemed the decision of the industrial board from the date of the filing thereof in the department unless the industrial board, on its own motion or on application duly made to it, modify or rescind such decision.

Bureaus.

Sec. 20. Existing divisions or bureaus in the department shall continue until changed, consolidated, or abolished pursuant to this section. The commissioner may establish such divisions or bureaus as may be necessary for the administration and operation of the department, under this chapter, and may change, consolidate, or abolish divisions or bureaus. Each division and bureau shall be subject to the supervision and direction of the commissioner, and shall have jurisdiction of such matters, exercise such powers, and perform such duties as may be assigned to it by the commissioner.

Sec. 21 (as amended by chapter 642, Acts of 1921). The commissioner shall be the administrative head of the department.

The commissioner:

Duties of commissioner.

1. Shall enforce all the provisions of this chapter and of the industrial code, except as in this chapter otherwise provided;

2. Shall exercise the powers and perform the duties in relation to the administration of the workmen's compensation law heretofore vested in the industrial commission by chapter six hundred and seventy-four of the laws of nineteen hundred and fifteen, except in so far as such powers and duties are vested by this chapter in the industrial board;

3. Shall cause proper inspections to be made of all matters prescribed by this chapter or by the industrial code;

4. Shall cause investigations to be made of the condition of women in industry;

5. Shall inquire into the cause of all strikes, lockouts, and other industrial controversies, and endeavor to effect an amicable settlement thereof, and may create within the department a board to which a controversy between an employer and his employees may be submitted for mediation and arbitration;

6. Shall propose to the industrial board such rules or such changes in such rules as he may deem advisable;

7. May provide for the establishment and maintenance of public employment offices for the purpose of securing employment for men, women, and children.

8. May make investigations, collect and compile statistical information and report upon the conditions of labor generally and upon all matters relating to the enforcement and effect of the provisions of this chapter and of the rules thereunder;

9. May enforce any lawful municipal ordinance, by-law, or regulation relating to any place affected by the provisions of this chapter, not in conflict with the provisions of this chapter or of the industrial code.

10. May investigate the condition of aliens relative to their employment in industry.

SEC. 22. The commissioner may sit with the industrial board in the consideration of any matter except reviews under the provisions of the workmen's compensation law; but shall not have a vote upon any such matter. He shall be the custodian of the records of the board. Review.

SEC. 23. The commissioner may make, amend, and repeal regulations necessary for the internal administration of the department, and not in conflict with the rules adopted by the industrial board pursuant to this chapter for the enforcement of the labor law. Such regulations shall not be deemed rules within the meaning of this chapter unless the context otherwise requires. Regulations.

SEC. 24. The commissioner may by order filed in the department delegate any of his powers to or direct any of his duties to be performed by the deputy commissioner or a head of a division or bureau of such department. Delegation of powers.

SEC. 25. The commissioner or the officers and employees of the department shall inspect every place which is, or which they have reasonable cause to believe is, affected by the provisions of this chapter, and they may in the discharge of their duties enter any such places. Inspection.

SEC. 26. All papers, books, records, or other documents required to be kept by the provisions of this chapter or of the workmen's compensation law or of the industrial code shall at all times be open for the inspection of the commissioner and the officers and employees of the department, and the persons in charge thereof shall afford every reasonable facility for their examination and permit copies to be made when required by the commissioner. Books and papers.

SEC. 27 (as amended by chapter 642, Acts of 1921). The industrial board shall have power to make, amend, and repeal rules for carrying into effect the provisions of this chapter, applying such provisions to specific conditions and prescribing means, methods, and practices to effectuate such provisions. It shall have power to hear and determine all claims for compensation under the workmen's compensation law in the manner provided by this chapter or the workmen's compensation law; to require medical service for injured employees as provided by the workmen's compensation law; to approve claims for medical service or attorney's fees, to excuse failure to give notice either of injury or death of an employee, to approve agreements, to modify or rescind awards, to make conclusions of fact and rulings of law, to certify questions to the appellate division of the supreme court, to enter orders in appealed cases, to determine the time for the payment of compensation, to order the reimbursement of employers for amounts advanced, to assess penalties, to commute awards, to compromise actions for the collection of awards, to require or permit employers to deposit the present value of awards in the aggregate trust fund of the State fund, to determine by rule the assignment of a minor's right to sue a third party, to require guardianship for minor dependents, to hear and determine claims under the occupational disease act, to order physical examinations, to take testimony by depositions; and to have and exercise all other powers and duties, exclusive of purely administrative functions, originally conferred or imposed upon the workmen's compensation commission by the workmen's compensation law or any other statute, and by chapter six hundred and seventy-four of the laws of nineteen hundred and fifteen conferred and imposed upon the State industrial commission. For the purpose of exercising such powers and performing such duties, the industrial board shall be deemed to be a continuation of the State industrial commission; and all proceedings under the workmen's compensation law pending before such commission are hereby transferred to the industrial board without prejudice to the rights of any party to such proceeding. Any hearing, inquiry, or investigation required or authorized to be conducted or made by the industrial board may be conducted or made by any individual member thereof, and the order, decision, or deter-

Powers of industrial board.
Transfer.

mination of such member shall be deemed the order, decision, or determination of the board from the date of the filing thereof in the department, unless the board on its own motion or on application duly made to it modify or rescind such order, decision, or determination.

Rules.

SEC. 28. Rules of the industrial board may be made for—

1. The proper sanitation in all places to which this chapter applies and for guarding against and minimizing fire hazards, personal injuries and diseases in all places to which this chapter applies with respect to:

a. The construction, alteration, equipment, and maintenance of all such places, including the conversion of structures into factories, factory buildings, and mercantile establishments;

b. The arrangement and guarding of machinery and the storing and keeping of property and articles;

c. The places where and the methods and operation by which trades and occupations may be conducted and the conduct of employers, employees, and other persons;

It being the policy and intent of this chapter that all places to which it applies shall be so constructed, equipped, arranged, operated, and conducted in all respects as to provide reasonable and adequate protection to the lives, health, and safety of all persons employed therein and frequenting the same, and that the board shall from time to time make such rules as will effectuate such policy and intent.

2. Whenever the board finds that any industry, trade, occupation, or process involves such elements of danger to the lives, health, or safety of persons employed therein as to require special regulation for the protection of such persons, the board may make special rules to guard against such elements of danger by establishing requirements as to temperature, humidity, the removal of dusts, gases or fumes, by requiring licenses to be applied for and issued by the department as a condition of carrying on any such industry, trade, occupation, or process, by requiring medical inspection and supervision of persons employed or applying for employment, and by other appropriate means.

3. The rules may be limited in their application to certain classes of establishments, places of employment, machines, apparatus, articles, processes, industries, trades, or occupations, or may apply only to those to be constructed, established, installed, or provided in the future.

4. The rules of the board shall have the force and effect of law and shall be enforced in the same manner as the provisions of this chapter.

5. No provision of this chapter specifically conferring powers on the board to make rules shall limit the power conferred by this section.

Industrial code.

SEC. 29. The rules of the board shall constitute the industrial code, and, until amended or repealed, the rules of the industrial commission continued in force by this chapter shall constitute the industrial code and be deemed to have been adopted or made by the industrial board for the purposes in such rules provided. At least two affirmative votes shall be necessary for the adoption, amendment, or repeal of any rule. Before any rule is adopted, amended, or repealed there shall be a public hearing thereon, notice of which shall be published at least once, not less than ten days prior thereto, in such newspaper or newspapers as the board may prescribe, and where it affects premises in the city of New York in the City Record of the city of New York. The commissioner may appoint committees composed of employers, employees, and experts to suggest rules or changes therein. Every rule adopted and every amendment or repeal thereof shall be promptly published in the bulletins of the department and where it affects premises in the city of New York in the City Record in the city of New York. The rules and all amendments and repeals thereof shall, unless otherwise prescribed by the board,

take effect twenty days after the first publication thereof, and certified copies thereof shall be filed with the secretary of state.

Sec. 30. If there shall be practical difficulties or unnecessary hardship in carrying out a provision of this chapter or a rule of the board thereunder affecting the construction or alteration of buildings, exits therefrom, the installation of fixtures and apparatus, or of the safeguarding of machinery and prevention of accidents, the board may make a variation from such requirements if the spirit of the provision or rule shall be observed and public safety secured. Any person affected by such provision or rule, or his agent, may petition the board for such variation, stating the grounds therefor. The board shall fix a day for a hearing on such petition and give notice thereof to the petitioner. If the board shall permit such variation, it shall be in the form of a resolution adopted by at least two votes, and the variation shall apply to all buildings, installations, or conditions where the facts are substantially the same as those stated in the petition. The resolution shall describe the conditions under which the variation shall be permitted and shall be published in the bulletin of the department. Where the variation affects premises or conditions in the city of New York, it shall also be published in the City Record of New York city. A properly indexed record of all variations shall be kept in the office of the department and open to public inspection.

Variations.

Sec. 31. The owner, operator, manager, or lessee of any place affected by the provisions of this chapter, or his agent, superintendent, subordinate, or employee, and any person employing or directing any labor affected by such provision shall, when requested by the commission or board, furnish any information in his possession or under his control which the commissioner or board is authorized to require; shall answer truthfully all questions authorized to be put to him; shall admit the commissioner, a deputy commissioner, or other officer or employee of the department to any place which is affected by the provisions of this chapter for the purpose of making inspection or enforcing the provisions thereof and the industrial code and shall render assistance necessary for a proper inspection.

Information to be given.

Sec. 32. No person shall interfere with, obstruct or otherwise hinder any officer or employee of the department in the performance of his duties.

Obstruction of officers.

Sec. 33. Whenever the commissioner or board or any person affected by the provisions of this chapter is required to give notice in writing to any person, such notice may be given by mailing it in a letter addressed to such person at his last known place of business or by delivering it to him personally. Notice to a partnership may be given to any of the partners and notice to a corporation may be given to any officer or agent thereof upon whom a summons may be served as provided by the Code of Civil Procedure. Whenever an order or demand of the department is required to be served it shall be served in the manner hereinbefore provided for the service of a notice or by delivering it to any person of suitable age and discretion in charge of the premises affected by such order, or if no person is found in charge by affixing a copy thereof conspicuously upon the premises.

Notice.

Sec. 34. The department shall keep records of all licenses, permits or certificates issued, revoked or amended by it and publish lists thereof at such times and in such forms as it may determine.

Record of licenses.

Sec. 35. The commissioner shall make an annual report of the department to the legislature on or before the first day of February.

Report.

Sec. 36. All statistics and other documentary matter filed with the department may be destroyed by the commissioner after the expiration of six years from the filing thereof.

Old records.

Sec. 37. All notices or orders shall be given by and in the name of the department by the commissioner, by the industrial board or a member thereof, or by the deputy commissioner or other officer or employee thereunto duly authorized.

Process.

- Oaths.** SEC. 38. The commissioner, a member of the industrial board, the deputy commissioner, a referee, and any other officer or employee of the department if duly authorized by the commissioner, may administer oaths and take affidavits in matters relating to the provisions of this chapter and the workmen's compensation law.
- Hearings.** SEC. 39. The commissioner, the members of the industrial board, the deputy commissioner, and referee shall have power:
1. To issue subpoenas for and compel the attendance of witnesses and the production of books, contracts, papers, documents, and other evidence;
 2. To hear testimony and take or cause to be taken depositions of witnesses residing within or without this State in the manner prescribed by law for like depositions in civil actions in the supreme court. Subpoenas and commissions to take testimony shall be issued under the seal of the department.
- Proceedings.** SEC. 40. Any investigation, inquiry, or hearing which the commissioner or board has power to undertake or to hold may by special authorization be undertaken or held by or before any of the officers of the department, and any decision rendered on such investigation, inquiry, or hearing, when approved and confirmed by the commissioner or board and ordered filed in the office, shall be the order of the department.
- Rules for hearings.** SEC. 41. The commissioner and the board shall not be bound by technical rules of evidence and shall conduct all hearings according to procedure prescribed by them respectively.

ARTICLE III.

- Review by industrial board:** SECTION 110 (as amended by chapter 642, Acts of 1921). 1. Any person in interest, or his duly authorized agent, may petition the industrial board for a review of the validity or reasonableness of any rule or order made under the provisions of this chapter.
2. The petition shall be verified, shall be filed with the commissioner, and shall state the rule or order proposed to be reviewed and in what respects it is claimed to be invalid or unreasonable. Any objections to the rule or order not raised in the petition shall be deemed waived. The board may join in one proceeding all petitions alleging invalidity or unreasonableness of substantially similar rules or orders. The filing of such petition shall operate to stay all proceedings under such rule or order until the determination of such review.
3. The board shall order a hearing, if necessary, to determine the issues raised, or if the issues have been considered in a prior proceeding the board may without hearing confirm its previous determination. Notice of the time and place of hearing shall be given to the petitioner and to such other persons as the board may determine.
4. If the board finds that the rule or order is invalid or unreasonable it shall revoke or amend the same.
5. The decision of the board shall be final, unless within thirty days after it is filed one of the parties commences an action as provided in section one hundred and eleven.
- By courts.** SEC. 111. 1. Any person in interest may bring an action in the supreme court against the department to determine the validity and reasonableness of any provisions of this chapter or of the rules made in pursuance thereof or of any order directing compliance therewith: *Provided*, That no such action to determine the validity and reasonableness of any rule or order shall be brought except as an appeal from the determination of the board as provided in section one hundred and ten.
2. If the action is an appeal from a determination of the board it shall file with the clerk of the court a certified copy of the record of its hearings in the matter.
3. The court may refer any issue arising in such action to the board for further consideration. At any time during such action

the party appealing may apply to the court without notice for an order directing any question of fact arising upon any issue to be tried and determined by a jury, and the court shall thereupon cause such question to be stated for trial accordingly and the findings of the jury upon such question shall be conclusive. Appeals may be taken from the supreme court to the appellate division of the supreme court and to the court of appeals in such cases, subject to the limitations provided in the Code of Civil Procedure.

SEC. 112. 1. Every provision of this chapter and of the rules made in pursuance thereof, and every order directing compliance therewith, shall be valid, unless declared invalid in a proceeding brought under the provisions of section one hundred and ten. Except as provided in section one hundred and eleven, no court shall have jurisdiction to review or annul any such provision or order or to restrain or interfere with its enforcement.

Validity.

2. Every such provision, rule, or order shall in a prosecution or action to impose a penalty for its violation be deemed valid unless prior thereto such provision, rule, or order has been revoked or modified by the board or annulled by a court pursuant to sections one hundred and ten and one hundred and eleven, or unless such proceeding is pending, in which case the prosecution or action shall be stayed by the court pending the final determination thereof. If any such prosecution or action is commenced against a defendant who has not previously been served with an order to comply with such provision, or who has been served with such an order but has not had a reasonable opportunity to comply therewith, and if within five days the defendant commences proceedings under the provisions of sections one hundred and ten and one hundred and eleven, the prosecution or action shall be stayed as if such proceeding were pending at the time it was commenced.

ARTICLE IV.

SECTION 130 (as amended by chapter 386, Acts of 1921). 1. No child under fourteen years of age shall be employed in or in connection with or for any factory, mercantile establishment, business office, telegraph office, restaurant, hotel, or apartment house, theater or other place of amusement, bowling alley, barber shop, shoe-polishing establishment, or in the distribution or transmission of merchandise, articles or messages, or in the sale of articles.

Age of employment of children.

SEC. 131 (as amended by chapter 386, Acts of 1921). No child between fourteen and sixteen years of age shall be employed in or in connection with or for any factory, establishment, or business specified in subdivision one of section one hundred and thirty, unless an employment certificate as provided by section six hundred and thirty-one of the education law is kept on file in the office of the employer at the child's place of employment.

Employment certificate.

[Sections 132 to 141, inclusive, and section 143 are repealed by chapter 386, Acts of 1921.]

SEC. 142. The commissioner shall transmit to the local superintendent of schools, on or before the tenth day of each month, on blanks furnished by the State education department, the names and home addresses of all children under sixteen years of age found illegally employed during the preceding month.

Information.

SEC. 144 (as amended by chapter 386, Acts of 1921). 1. If any child apparently under sixteen years of age is employed without an employment certificate in or in connection with any employment to which the provisions of this article apply, the commissioner may require the employer to cease employing the child or file, within ten days after demand, evidence in the form required by section six hundred and thirty-one of the education law, that the child is over sixteen years of age.

Children apparently 16 years of age.

2. If the employer fails to furnish such evidence within ten days after demand, and thereafter employs the child, proof of the service

of the demand and of the failure to furnish such evidence shall be prima facie evidence in any prosecution brought for a violation of this article that such child is under the age of sixteen years and is unlawfully employed.

Physical exam-
ination.

SEC. 145 (as amended by chapter 386, Acts of 1921). 1. Whenever required by a medical inspector of the department of labor every child between fourteen and sixteen years of age employed in a factory or mercantile establishment shall submit to a physical examination by such inspector. The result shall be recorded on blanks filed with the commissioner.

2. If such child fails to submit to such examination or if on examination the inspector finds the child physically unfit to be so employed, he shall so report with his reasons therefor and the commissioner may then issue an order canceling the child's employment certificate. A copy of the order shall be served on the employment certificating officer of the school authorities and on the former employer who shall deliver to an authorized representative of the commissioner the child's employment certificate.

3. If a child who has refused subsequently submits to the physical examination required and is found to be in proper physical condition to be employed, or if upon a subsequent physical examination, the inspector finds the child in fit condition to be employed the commissioner may make an order revoking such cancellation and return the certificate to the child. A copy of such order shall be served on the former employer and the board or department of health issuing the certificate.

Prohibited em-
ployments.

SEC. 146 (as amended by chapter 642, Acts of 1921). 1. No child under sixteen years of age shall be employed in operating or assisting in operating any of the following:

- a. Circular or band saws;
 - b. Collander rolls;
 - c. Corrugating roll making machines;
 - d. Cracker machinery;
 - e. Dough brakes;
 - f. Drill presses;
 - g. Laundering machinery;
 - h. Leather burnishing machinery;
 - i. Metal cutting or stamping machines;
 - j. Paper box corner staying machines;
 - k. Paper cutting machines;
 - l. Paper lace machines;
 - m. Picker machines or machines used in picking wool, cotton, hair, or upholstery material;
 - n. Planers;
 - o. Power punches or shears;
 - p. Printing presses, job or cylinder, with power other than foot;
 - q. Rolling mill machinery;
 - r. Sandpaper machinery;
 - s. Steam boilers;
 - t. Washing, grinding, or mixing machinery;
 - u. Wire or iron straightening machinery;
 - v. Wood jointers, wood polishers, wood shapers, wood turning or boring machinery.
2. No child under the age of sixteen years shall be employed in or assist in:
- a. Adjusting belts to machinery;
 - b. Cleaning, oiling, or wiping machinery;
 - c. Manufacturing or packing paints, dry colors, or red or white leads;
 - d. Manufacturing, packing, or storing explosives;
 - e. Mat dipping or dyeing;
 - f. Preparing any composition in which dangerous or poisonous acids are used;
 - g. Or about any distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled.

3. No female under sixteen years of age shall be employed in any capacity which compels constant standing.

4. No male under sixteen years of age shall be employed to have the care, custody, or operation of a freight or passenger elevator. No male under eighteen years of age shall be employed to have the care, custody, or operation of such elevator running at a speed of over two hundred feet a minute.

5. No female under eighteen years of age shall be employed to have the care, custody, or operation of a freight or passenger elevator.

6. No male under sixteen years of age nor any female shall be employed in or in connection with a mine or quarry.

7. No male under eighteen years of age nor any female under twenty-one years of age shall be employed or directed to clean machinery while it is in motion.

8. No male under eighteen years of age nor any female shall be employed in operating or using any emery, tripoli, rouge, corundum, stone, carborundum, or any abrasive, or emery polishing or buffing wheel, where articles of the baser metals or iridium are manufactured: *Provided, however,* That females more than twenty-one years of age may be employed in operating such wheels for wet grinding under conditions specified by the industrial board in its rules.

9. No female under twenty-one years of age shall be employed as a conductor or guard on any street, surface, electric, subway, or elevated railroad.

10. No female under twenty-one years of age shall be employed as messenger for a telegraph or messenger company in distributing, transmitting, or delivering goods or messages.

11. In addition to the cases provided for in the foregoing subdivisions, the board when it finds upon investigation that any particular trade, process of manufacture, occupation, or method of carrying on the same is dangerous or injurious to the health of minors under eighteen years may adopt rules prohibiting or regulating the employment of such minors therein.

Sec. 147. No female shall be employed in a foundry at or in connection with the making of cores where an oven in which the cores are baked is in operation in the same room or space in which the cores are made. A partition separating the oven from the space where the cores are made shall not be sufficient, unless the partition extends from floor to ceiling and is so constructed and the openings therein so protected that gases and fumes from the core oven will not enter the space in which women are employed. The board may adopt rules regulating the construction, equipment, maintenance, and operation of core rooms and the size and weight of cores that may be handled by women.

Sec. 148. No owner, manager, foreman, or other person in authority in a factory or mercantile establishment shall knowingly employ a female, or permit her to be employed therein, within four weeks after she has given birth to a child.

Sec. 149. Whenever an employer shall require a physical examination of a female by a physician or a surgeon she shall be entitled to have the examination made by one of her sex or to have another female present if a male physician or surgeon makes the examination. The employer requiring the examination shall post a notice informing the party to be examined of her rights under this section.

Sec. 150. A sufficient number of suitable seats, with backs where practicable, shall be provided and maintained in every factory, mercantile establishment, freight or passenger elevator, hotel, and restaurant for female employees who shall be allowed to use the seats to such an extent as may be reasonable for the preservation of their health. In factories female employees shall be allowed to use such seats whenever they are engaged in work which can be properly performed in a sitting posture. In mercantile establishments at least one seat shall be provided for every three fe-

male employees, and if the duties of such employees are to be performed principally in front of a counter, table, desk, or fixture, such seats shall be placed in front thereof, or if such duties are to be performed principally behind such counter, table, desk, or fixture they shall be placed behind the same.

ARTICLE V.

- Hours of labor.** SECTION 160. Unless otherwise provided by law, the following number of hours shall constitute a legal day's work:
1. For street surface or elevated railroad employees as affected by section one hundred and sixty-four, ten consecutive hours, including one-half hour for dinner.
 2. For employees engaged in the operation of steam or electric surface, subway, or elevated railroads where the mileage system of running trains is not in use, except those employees affected by section one hundred and sixty-six, ten hours, performed within twelve consecutive hours.
 3. For all other employees, except those engaged in farm or domestic service and those affected by subdivision four of section two hundred and twenty, eight hours.
- This subdivision shall not prevent an agreement for overwork at an increased compensation, except upon work by or for the State or a municipal corporation, or by contractors or subcontractors therewith, and except as otherwise provided in this chapter.
- Day of rest.** SEC. 161 (as amended by chapter 671, Acts of 1921). Every employer operating a factory, mercantile establishment, or freight or passenger elevator in any building or place shall, except as herein otherwise provided, allow every person employed in such establishment or in the care, custody, or operation of any such elevator, at least twenty-four consecutive hours of rest in any calendar week. No employer shall operate such establishment or elevator on Sunday unless he shall comply with subdivision three. This section does not authorize any work on Sunday not permitted now or hereafter by law.
- Exceptions.**
2. This section shall not apply to:
 - a. Janitors, watchmen, superintendents, or foremen in charge;
 - b. Employees in dairies, creameries, milk condenseries, milk powder factories, milk sugar factories, milk shipping stations, butter and cheese factories, ice cream manufacturing plants, and milk bottling plants, where not more than seven persons are employed;
 - c. Employees, if the board in its discretion approves, engaged in an industrial or manufacturing process necessarily continuous, in which no employee is permitted to work more than eight hours in any calendar day;
 - d. Employees whose duties include not more than three hours work on Sunday in setting sponges in bakeries, caring for live animals, maintaining fires, or making necessary repairs to boilers or machinery.
 - e. Employees in hotels.
- Work on Sunday.** 3. Before operating on Sunday every employer shall conspicuously post on the premises a schedule containing a list of his employees permitted to work on Sunday, and designating a day of rest for each, and shall file a copy of such schedule with the commissioner. The employer shall also promptly file with the commissioner a copy of every change in the schedule. No employee shall be permitted to work on his designated day of rest.
- Time book.** 4. Every employer shall keep a time book showing the names and addresses of his employees and the hours worked by each of them in each day.
- Variations.** 5. If there shall be practical difficulties or unnecessary hardships in carrying out the provisions of this section or the rules of the board, the board may make a variation therefrom if the spirit of the act be observed and substantial justice done. Such variation shall be by resolution adopted by a majority vote.

shall describe the conditions under which it shall be permitted, and shall apply to substantially similar conditions. The variations shall be published in the same manner as the rules of the department and a properly indexed record of variations shall be kept by the department.

6. In case of violation of any of the provisions of this section, the commissioner shall issue an order directing compliance therewith, and upon failure so to comply shall commence a prosecution as provided by law.

Violations.

SEC. 162. 1. Every person employed in or in connection with a factory and every female employed as a conductor or guard as specified in section two hundred and three shall be allowed at least sixty minutes for the noonday meal.

Time for meals.

2. Every person employed in or in connection with a mercantile or other establishment or occupation coming under the provisions of this chapter shall be allowed at least forty-five minutes for the noonday meal, except as in this chapter otherwise provided.

3. Every person employed after seven o'clock in the evening shall be allowed at least twenty minutes for a meal between five and seven o'clock in the evening.

4. The board may permit a shorter time to be fixed for noonday meals than hereinbefore provided. The permit therefor shall be in writing and shall be kept conspicuously posted in the main entrance of the establishment. Such permit may be revoked at any time.

SEC. 163. No corporation owning or operating a brickyard shall require employees to work more than ten hours in any day, or to commence work before seven o'clock in the morning. But overwork and work prior to seven o'clock in the morning for extra compensation may be performed by agreement between employer and employee.

Brickyards.

SEC. 164. No employee engaged in the operation of a street surface or elevated railroad of whatever motive power owned or operated by a corporation whose main line or route of travel lies principally within a city of the first or second class, shall be employed more than ten consecutive hours, including one-half hour for dinner, in any day, except that in cases of accident or unavoidable delay extra work may be performed for extra compensation.

Street railroads.

SEC. 165. 1. No person or corporation operating a steam or electric surface, subway, or elevated railroad of thirty miles or more in length, wholly or partly within this State, except where the mileage system of running trains is in operation, shall permit or fire a conductor, engineer, fireman, trainman, motorman, or assistant motorman, engaged in or connected with the movement of any train on such railroad, to be or remain on duty for a longer period than sixteen consecutive hours. Whenever any such employee shall have been continuously on duty for sixteen hours he shall not be required or permitted again to go on duty until he has had at least ten consecutive hours off duty. No such employee who has been on duty sixteen hours in the aggregate in any twenty-four hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty.

Other railroads.

2. This section shall not apply to any such employee when he is prevented from reaching his terminal by casualty occurring after he has started on his trip or by accident to or unexpected delay of trains scheduled to make connection with the train on which he is serving, or when he is engaged in interstate commerce.

SEC. 166. 1. When used in this section "signalman" means:

Signalmen.

a. A telegraph or telephone operator reporting trains to another office or to a train dispatcher;

b. A telegraph or telephone leverman who manipulates interlocking machines in railroad yards or on main tracks on the lines;

c. A train dispatcher whose duties pertain to the movement of cars, engines or trains, by telegraph or telephone in dispatching or reporting trains or receiving or transmitting train orders.

2. When used in this section "railroad" means: Any portion of a surface, subway, or elevated railroad situated wholly or partly in this State and operated by a corporation or receiver on which portion at least twenty freight trains on the average or nine regular passenger trains pass each way in every twenty-four hours.

3. No signalman shall be employed on any railroad for more than eight hours in any day except in cases of extraordinary emergency caused by accident, fire, flood, or danger to life or property, and he shall be paid for each hour of such overtime at least one-eighth of his daily compensation.

4. Every signalman and every towerman or gateman performing duties similar to those of a signalman, who is employed for eight hours or more every day shall be allowed at least two days of rest of twenty-four hours each in every calendar month with the regular compensation, except in cases of extraordinary emergency caused by accident, fire, flood, or danger to life or property, when in addition to his regular compensation he shall be paid for every hour so employed at least one-eighth of his daily compensation.

5. The provisions of this section shall not apply to employees engaged in interstate commerce.

Work time in
factories.

SEC. 170. No child under the age of sixteen years shall be employed in or in connection with a factory:

- a. More than six days or fifty-four hours in any week;
- b. More than eight hours in any day;
- c. Between the hours of five o'clock in the evening and eight o'clock in the morning.

Males 16 to 18.

SEC. 171. No male between sixteen and eighteen years of age shall be employed in a factory except in canning or preserving perishable products in fruit and canning establishments between the fifteenth day of June and the fifteenth day of October:

- a. More than six days or fifty-four hours in any week;
- b. More than nine hours in any day, except that he may be employed ten hours a day to make a shorter work day or holiday on any one day of the week.

In no case shall such person be employed between the hours of twelve midnight and four o'clock in the morning.

Females,

SEC. 172. 1. No female over sixteen years of age shall be employed in a factory, except as provided in section one hundred and seventy-three:

- a. More than six days or fifty-four hours in any week;
- b. More than nine hours in any day, except that she may be employed ten hours a day to make a shorter work day or holiday on any one day of the week.

2. In no case shall a female under twenty-one years of age be employed in any factory between the hours of nine o'clock in the evening and six o'clock in the morning, or a female over twenty-one years of age between the hours of ten o'clock in the evening and six o'clock in the morning.

Canneries,

SEC. 173. Except as provided in subdivision two of section one hundred and seventy-two a female over eighteen years of age may be employed in canning or preserving perishable products in fruit and canning establishments between the fifteenth day of June and the fifteenth day of October not more than ten hours in any day nor more than six days or sixty hours in any week, but the board may adopt rules permitting such employment between the twenty-fifth day of June and the fifth day of August not more than twelve hours in any one day nor more than six days or sixty-six hours in any week, if it finds that such employment is required by the needs of the industry and can be permitted without serious injury to the health of the women so employed. The provisions of this section shall not apply unless the daily hours of labor shall be posted and a time book kept as provided in section one hundred and seventy-four.

Schedule of
hours.

SEC. 174. 1. A notice on a form furnished by the commissioner, stating the daily hours of labor required of all persons subject

to this title and the time that their work shall begin and end, shall be kept conspicuously posted in each establishment where they are employed, and they shall not be otherwise permitted to work therein.

The schedule of hours as stated in the notice shall not be changed after the beginning of labor on the first day of the week without the consent of the commissioner. The presence of any such person in the factory at any other hours than those stated in the notice, or if no such notice is posted, before seven o'clock in the morning or after six o'clock in the evening, shall constitute prima facie evidence of a violation of the section relating to the hours of labor of such person.

2. In a factory wherein, owing to the nature of the work, it is practically impossible to fix the hours of labor weekly in advance, the commissioner, upon an application stating facts showing the necessity therefor, shall grant a permit dispensing with the notice required in this section.

3. In every factory operating under such a permit, or employing females under section one hundred and seventy-three, a notice stating the daily hours of labor shall be posted and a time book shall be kept in a form approved by the commissioner, giving the names and addresses of all employees subject to this section and the hours worked by each of them in each day. No person shall knowingly make or suffer to be made a false entry in any such time book.

4. The permit shall be posted conspicuously in the factory. The commissioner may revoke the permit for failure to post the same or the notice of the daily hours of labor, or to keep the time book as herein provided.

5. Where a female or male minor is employed in two or more factories or mercantile establishments in the same day or week, the total time of employment shall not exceed that allowed per day or week in a single factory or mercantile establishment.

6. In a prosecution for a violation of any provision of this title, the burden of proving a permit or exception shall be upon the party claiming it.

Sec. 180. No child under sixteen years of age shall be employed in or in connection with any mercantile establishment, business office, telegraph office, restaurant, hotel, apartment house, theater, or other place of amusement, bowling alley, barber shop, shoepolishing establishment, or in the distribution or transmission of merchandise, articles or messages, or in the sale of articles;

Work time in
mercantile, etc.,
establishments.

- a. More than six days or forty-eight hours in any week;
- b. More than eight hours in any day;
- c. Between the hours of six o'clock in the evening and eight o'clock in the morning.

This section shall not apply to any employment prohibited or regulated by section four hundred and eighty-five of the penal law.

Sec. 181. Except from the eighteenth day of December to the following twenty-fourth of December, inclusive, and except for two additional days at any time during the year for the purpose of stock taking, no female over sixteen years of age shall be employed in or in connection with any mercantile establishment:

Females over
sixteen.

- a. More than six days or fifty-four hours in any week;
- b. More than nine hours in any day, except that she may be employed more than nine hours on one day of each week, in order to make one or more shorter workdays in the week;
- c. Between the hours of ten o'clock in the evening and seven o'clock in the morning.

The provisions of this section prohibiting employment more than six days a week and between the hours of ten o'clock in the evening and seven o'clock in the morning shall not apply to female writers or reporters employed in newspaper offices.

Sec. 182. No female over the age of sixteen years shall be employed in or in connection with any restaurant in cities of the first and second class:

Restaurants.

- a. More than six days or fifty-four hours in any week;
- b. More than nine hours in any day;
- c. Between the hours of ten o'clock in the evening and six o'clock in the morning.

This section shall not apply to females employed in restaurants as singers and performers, or as attendants in ladies' cloak rooms and parlors, nor to females employed in or in connection with the dining rooms and kitchens of hotels, or lunch rooms or restaurants conducted by employers solely for the benefit of their own employees.

Elevators.

SEC. 183. No female over eighteen years of age shall be employed to have the care, custody or operation of a freight or passenger elevator in any place:

- a. More than six days or fifty-four hours in any week;
- b. More than nine hours in any day;
- c. Between the hours of ten o'clock in the evening and seven o'clock in the morning, except that if the elevator be used in connection with a business or industry in which the employment of women before seven o'clock is not prohibited, a woman may begin work at the employment described in this section at six o'clock in the morning. This subdivision shall not apply to a woman over twenty-one years of age employed as herein specified in a hotel.

Street railroads.

SEC. 184. 1. No female over twenty-one years of age shall be employed as a conductor or guard in the operation of any street surface, electric, subway, or elevated railroad car or train:

- a. More than six days or fifty-four hours in any week;
- b. More than nine hours in any day;
- c. Between the hours of ten o'clock in the evening and six o'clock in the morning.

2. The daily hours of such employees shall be the period between the time of reporting for duty at the station, barn, terminal, or car and the time when released for the day. Not less than one hour shall be allowed for meals, unless a shorter time is permitted by the commissioner. In such case the permit, revocable at any time by the commissioner, shall be kept posted in the main entrance of the station, terminal, or car barn where such employees are employed or report for duty.

Messenger service.

SEC. 185. 1. No male under the age of twenty-one years shall be employed in a city of the first or second class as a messenger for a telegraph or messenger company in distributing, transmitting, or delivering goods or messages between the hours of ten o'clock in the evening and five o'clock in the morning.

2. No female over twenty-one years of age shall be employed as a messenger for a telegraph or messenger company in distributing, delivering, or transmitting goods or messages:

- a. More than six days or fifty-four hours in any week;
- b. Between the hours of ten o'clock in the evening and seven o'clock in the morning.

Schedule of hours.

SEC. 186. 1. A notice on a form furnished by the commissioner stating the daily hours of labor required of all persons subject to this title and the time when their work shall begin and end shall be kept conspicuously posted in each room where they are employed or report for duty, and they shall not be otherwise permitted to work therein.

2. The schedule of hours as stated in the notice shall not be changed after the beginning of labor on the first day of the week without the consent of the commissioner.

3. Where employees on street surface, electric, subway, or elevated railroads are involved, their presence on the premises in the occupation specified in this title at any other hours than those stated in the printed notice, or if no such notice be posted between the hours of ten o'clock in the evening and six o'clock in the morning, shall constitute prima facie evidence of a violation of this section.

ARTICLE VI.

SECTION 195 (as amended by chapter 642, Acts of 1921). Employers engaged in the following industries shall pay the wages of their employees in cash: Canal, express, ice harvesting or storing, manufacturing, mercantile, mining, quarrying, railroad, steamboat, street railway, telegraph, telephone and water corporations: *Provided, however,* That an employer in any of such industries may pay his employees by check if he furnishes satisfactory proof to the commissioner of his financial responsibility and gives reasonable assurance that such checks may be cashed by employees without difficulty and for the full amount for which they are drawn. Wages to be in cash.

SEC. 196. 1. Every corporation or joint-stock association operating a steam surface railroad, or person carrying on the business thereof by lease or otherwise, shall, on or before the first day of each month, pay to each employee the wages earned during the first half of the preceding calendar month ending with the fifteenth day thereof, and on or before the fifteenth day of each month pay to each employee the wages earned during the last half of the preceding calendar month. Monthly pay day.

2. Every other corporation or joint-stock association, or person carrying on the business thereof by lease or otherwise, shall pay weekly to each employee the wages earned to a day not more than six days prior to the date of such payment. Weekly pay day.

3. No employee shall be required as a condition of employment to accept wages at periods other than as provided in this section.

SEC. 197. No assignment of future wages shall be valid if made to an employer enumerated in sections one hundred and ninety-five and one hundred and ninety-six, or to any person on his behalf or if made or procured to be made to any person to relieve such employer from payment of wages, as provided by such section. Charges for groceries, provisions, or clothing shall not be a valid offset in behalf of the employer against wages. Assignments.

SEC. 198. If a corporation or joint-stock association, its lessee or other person carrying on the business thereof, shall fail to pay the wages of all its employees, as provided in this article, it shall forfeit to the people of the State the sum of fifty dollars for each such failure, to be recovered by the commissioner in a civil action. Violations.

ARTICLE VII.

SECTION 200. All places to which this chapter applies shall be so constructed, equipped, arranged, operated and conducted as to provide reasonable and adequate protection to the lives, health and safety of all persons employed therein. The board shall make rules to carry into effect the provisions of this section. Health and safety.

SEC. 201. Wherever persons are employed who are affected by the provisions of this chapter or of the industrial code, the commissioner shall furnish to the employer copies or abstracts of all such provisions and rules affecting such persons. The copies or abstracts shall be in such languages as the commissioner may require and shall be kept posted by the employer in a conspicuous place on each floor of the premises. In cities, this section shall not apply to mercantile establishments where less than three persons are employed. Laws to be posted.

SEC. 203. There shall be provided and maintained for the use of all persons employed in operating freight or passenger elevators adequate and convenient wash rooms or washing facilities and a sufficient number of suitable and convenient water-closets. Where the elevator is used in or in connection with a factory or mercantile establishment, the provisions of sections two hundred and ninety-three and two hundred and ninety-five shall apply to wash rooms, washing facilities and water-closets for employees mentioned in this section; and where the elevator is used in any other building or place, the provisions of such sections three hun- Wash rooms.

dred and seventy-eight and three hundred and eighty-one shall apply to wash rooms, washing facilities and water-closets for employees engaged in the care, custody or operation of an elevator in such building or place. For the purpose of so applying the sections last referred to, the term "mercantile establishment" as therein used shall be deemed to mean and include a building in which the elevator is located or with which it connects.

Inspection of
boilers.

SEC. 204. 1. The commissioner shall cause to be inspected at least once each year all boilers used for generating steam or heat which carry a steam pressure of more than fifteen pounds to the square inch, except where a certificate is filed with the commissioner by a duly authorized insurance company, in conformity with the rules of the board, and certifying that upon such inspection such boilers have been found to comply with the rules of the board, and to be in a safe condition. Every such insurance company shall report to the commissioner all boilers insured by it coming within the provisions of this section including those rejected, together with the reasons therefor.

2. A fee of five dollars shall be charged the owner or lessee of each boiler internally inspected and two dollars for each boiler externally inspected by the commissioner but not more than seven dollars shall be charged for the inspection of any one boiler for any year. Such fee shall be payable within thirty days after inspection.

3. If a certificate of inspection filed in the office of the department shows a boiler to be in need of repairs or in an unsafe or dangerous condition, the commissioner shall order such repairs of the boiler to be made as in his judgment may be necessary, and shall order the use of the boiler discontinued until such repairs are made or such dangerous and unsafe condition remedied. Such order shall be served upon the owner or lessee of the boiler, personally or by mail, and any owner or lessee failing to comply with such order within a time to be specified therein, which shall be not less than ten days from the service of the order if served personally, and not less than fifteen days from the mailing thereof, if served by mail, shall be liable to a penalty of fifty dollars for each day's neglect thereafter.

4. Every owner or lessee of any such boiler who shall use or allow it to be used by anyone in his employ after receiving notice that such boiler is in an unsafe or dangerous condition shall be subject to a penalty of not to exceed five dollars for each day on which it is used after receipt of such notice. Owners and lessees of boilers shall attach to such boilers the numbers assigned by the commissioner under a penalty of five dollars for each day's failure so to do after such numbers have been assigned.

5. The provisions of this section shall not apply in cities where boilers are regularly inspected by competent inspectors acting under the authority of local laws or ordinances. Such cities shall enforce the boiler code as adopted by the board.

Boilers subject to inspection by the public service commission, inspectors of steam vessels under the State superintendent of public works and the United States Government are exempted.

Eating in
workrooms.

SEC. 205. No employee shall take or be permitted to take any food into a room of any working place where lead, arsenic or other poisonous substances or injurious or noxious fumes, dust or gases exist in harmful conditions or are present in harmful quantities as an incident or result of the business carried on in such working place. Notice to the foregoing effect shall be posted in such room. No employee, unless his presence is necessary for the proper conduct of the business, shall remain in any such room during the time allowed for meals. The employer shall provide a suitable place in such establishment in which the employees may eat.

Industrial poi-
sonings.

SEC. 206. 1. Every physician attending any person whom he believes to be suffering from poisoning by lead, phosphorus, arsenic, brass, wood alcohol, mercury, or other compounds, or from anthrax, or compressed air illness, contracted as the result of the nature of

such person's employment, shall send to the commissioner a report stating the name and address and place of employment of such person and the disease from which he is suffering, with such further information as may be required by the commissioner.

Sec. 207. All buildings having installed therein a switchboard of two hundred and twenty volts or over shall have, on the floor or upon the platform or other standing place where the switchboard is located or to which it is attached, a rubber mat the length of the switchboard and of sufficient width to allow a person to walk or stand thereon while working at the switchboard or making tests.

Sec. 208. A union or association of employees may adopt a device in the form of a label, brand, mark, name or other character for the purpose of designating the products of the labor of the members thereof. Duplicate copies of such device shall be registered and filed with the secretary of state, who shall deliver to the union or association filing the same a certified copy thereof on payment of a fee of one dollar. Such certificate shall not be assignable by the union or association to whom it is issued.

Sec. 209. No person shall in any way use or display the label, brand, mark, name or other character, adopted by any such union or association as provided in section two hundred and eight, without the consent or authority of such union or association; or counterfeit or imitate any such label, brand, mark, name or other character, or knowingly sell, dispose of, keep or have in his possession with intent to sell or dispose of any goods, wares, merchandise or other products of labor, upon which any such counterfeit or imitation is attached, affixed, printed, stamped or impressed, or knowingly sell, dispose of, keep or have in his possession with intent to sell or dispose of any goods, wares, merchandise or other products of labor contained in any box, case, can or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed. If copies of such device have been filed, the union or association may maintain an action to enjoin the manufacture, use, display or sale of counterfeit or colorable imitations of such device, or of goods bearing the same, or the unauthorized use or display of such device, or of goods bearing the same, and the court may restrain such wrongful manufacture, use, display or sale, and every unauthorized use or display by others of the genuine devices so registered and filed, if such use or display is not authorized by the owner thereof, and may award to the plaintiff such damages resulting from such wrongful manufacture, use, display or sale as may be proved, together with the profits derived therefrom.

A person violating any of the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment for not less than three months nor more than one year or by both such fine and imprisonment.

Sec. 210. Any officer, agent, or employee of this State or of a municipal corporation therein having a duty to act in the premises who violates, evades, or knowingly permits the violation of any of the provisions of this chapter shall be guilty of malfeasance in office and shall be suspended or removed by the authority having power to appoint or remove such officer, agent, or employee; otherwise by the governor. Any citizen of this State may maintain proceedings for the suspension or removal of such officer, agent, or employee who knowingly permits the violation of any of the provisions of this chapter.

Sec. 211. The commissioner shall cooperate with any employee in the enforcement of a just claim against his employer and for his protection against frauds and other improper practices on the part of any person public or private.

Sec. 212. The commissioner may enter and inspect all labor camps within the State and any camp which he may have reason to believe is a labor camp.

Switchboards.

Union labels.

Illegal use.

Injunction.

Violations

Employees' claims.

Labor camps.

ARTICLE VIII.

Eight-hour day. SECTION 220 (as amended by chapter 642, Acts of 1921). 1. Eight hours shall constitute a legal day's work for all classes of employees in this State except those engaged in farm and domestic service, unless otherwise provided by law.

2. Each contract to which the State or a municipal corporation or a commission appointed pursuant to law is a party and which may involve the employment of laborers, workmen, or mechanics shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor, subcontractor, or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight hours in any one calendar day except in cases of extraordinary emergency caused by fire, flood, or danger to life or property. No such person shall be employed more than eight hours in any day except in such emergency.

Wages. 3. The wages to be paid for a legal day's work, as hereinbefore defined, to laborers, workmen, or mechanics upon such public works, or upon any material to be used upon or in connection therewith, shall be not less than the prevailing rate for a day's work in the same trade or occupation in the locality within the State where such public work on, about, or in connection with which such labor is performed in its final or completed form is to be situated, erected, or used and shall be paid in cash. Such contracts shall contain a provision that each laborer, workman, or mechanic, employed by such contractor, subcontractor, or other person about or upon such public work, shall be paid the wages herein provided.

Exceptions. 4. This section shall not apply to:
 a. Stationary firemen in State hospitals;
 b. Other persons regularly employed in State institutions, except mechanics;
 c. Engineers, electricians, and elevator men in the department of public buildings during the annual session of the legislature;
 d. Employees engaged in the construction, maintenance, and repair of highways and in waterworks construction outside the limits of cities and villages.

Penalty. 5. Any person or corporation who violates any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished, for a first offense by a fine of five hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment; for a second offense by a fine of one thousand dollars, and in addition thereto the contract on which the violation has occurred shall be forfeited; and no such person or corporation shall be entitled to receive any sum nor shall any officer, agent, or employee of the State or of a municipal corporation pay the same or authorize its payment from the funds under his charge or control to any such person or corporation for work done upon any contract on which the contractor has been convicted of a second offense in violation of the provisions of this section.

Company stores. SEC. 221. No person engaged in construction of public work under contract with the State or with any municipal corporation either as a contractor or subcontractor shall, directly or indirectly, conduct what is commonly known as a company store if there is any store selling supplies within two miles of the place where such contract is being executed.

Preference in employment. SEC. 222. In the construction of public works by the State or a municipality, or by persons contracting with the State or a municipality, preference shall be given to citizens. Aliens may be employed when citizens are not available. In each contract for the construction of public works a provision shall be inserted that if this section is not complied with, the contract shall be void. All boards, officers, agents, or employees of cities of the first class, having the power to enter into contracts which pro-

vide for the expenditure of public money on public works, shall file in the office of the department the names and addresses of all contractors holding contracts with said cities. Upon the demand of the commissioner a contractor shall furnish a list of the names and addresses of all his subcontractors. Each contractor performing work for any city of the first class shall keep a list of his employees, stating whether they are native born citizens or naturalized citizens and in case of naturalization, the date thereof, and the name of the court in which granted. A violation of this section shall constitute a misdemeanor and shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than thirty nor more than ninety days, or by both such fine and imprisonment.

SEC. 223. If the commissioner finds that any person contracting with the State or a municipal corporation for the performance of any public work fails to comply with or evades the provisions of this article, he shall present evidence of such noncompliance or evasion to the officer, department, or board having charge of such work. Such officer, department, or board shall thereupon take proceedings to enforce this article.

Enforcement.

[Article 9 (sections 230-233) relates to immigrant lodging houses, and contains no provision dealing with the employment relation. It is therefore omitted.]

ARTICLE X.

SECTION 240. A person employing or directing another to perform labor of any kind in the erection, repairing, altering, painting, cleaning, or pointing of a building or structure shall furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders, slings, hangers, blocks, pulleys, braces, irons, ropes and other mechanical contrivances which shall be so constructed, placed and operated as to give proper protection to a person so employed or directed.

Scaffolding.

2. Scaffolding or staging more than twenty feet from the ground or floor, swung or suspended from an overhead support or erected with stationary supports, except scaffolding wholly within the interior of a building and covering the entire floor space of any room therein, shall have a safety rail of suitable material properly attached, bolted, braced and otherwise secured, rising at least thirty-four inches above the floor or main portions of such scaffolding or staging and extending along the entire length of the outside and the ends thereof, with only such openings as may be necessary for the delivery of materials. Such scaffolding or staging shall be so fastened as to prevent it from swaying from the building or structure.

3. All scaffolding shall be so constructed as to bear four times the maximum weight required to be dependent therefrom or placed thereon when in use.

4. The commissioner shall immediately inspect a scaffold or a mechanical device connected therewith concerning which complaint is made. He shall attach to every scaffold or mechanical device that he inspects a certificate stating that he has made the inspection and has found the same safe or unsafe, as the case may be. If unsafe, the commissioner shall at once, in writing, notify the person responsible for the scaffold or mechanical device of the fact and shall prohibit use of it by him or by any other person until all danger is removed by alteration, reconstruction, or replacement as the commissioner may direct. Such notice may be served personally upon the person responsible or by affixing it conspicuously to the scaffold or mechanical device declared unsafe.

SEC. 241. All contractors and owners, when constructing buildings, shall comply with the following requirements:

Protective flooring.

1. If the floors are to be arched between the beams thereof, or if the floors or filling in between the floors are of fireproof mate-

rial, the flooring or filling in shall be completed as the building progresses.

2. If the floors are not to be filled in between the beams with brick or other fireproof material, the underflooring shall be laid on each story as the building progresses.

3. If double floors are not to be used, the floor two stories immediately below the story where the work is being performed shall be kept planked over.

4. If the floor beams are of iron or steel, the entire tier of iron or steel beams on which the structural iron or steel work is being erected shall be thoroughly planked over to not less than six feet beyond such beams, except spaces reasonably required for proper construction of the iron or steel work, for raising or lowering of materials or for stairways and elevator shafts designated by the plans and specifications.

5. If elevators, elevating machines or hod-hoisting apparatus are used within a building in the course of construction, for the purpose of lifting materials to be used, the shafts or openings in each floor shall be inclosed or fenced in on all sides by a barrier of suitable height, except on two sides which may be used for taking off and putting on materials, and those sides shall be guarded by an adjustable barrier not less than three nor more than four feet from the floor and not less than two feet from the edges of such shafts or openings.

6. If a building in course of construction is five stories or more high, no material for such construction shall be hoisted or lifted on the outside of such building.

Enforcement.

SEC. 242. The commissioner and the chief officer charged with the enforcement of the building laws of any city, town or village shall enforce this article. Such officer shall have all the powers for enforcement of it that are vested in the commissioner.

ARTICLE XI.

Factory registration.

SEC. 250. Every person conducting a factory shall register it with the commissioner, giving his name, home address, the address of the business, the name under which it is conducted, the number of employees and such other data as the commissioner may require. Such factory shall be so registered within thirty days after the commencement of business. Any new address of the business, together with such other information as the commissioner may require, shall be filed with the commissioner within thirty days after a change in location.

Elevators.

SEC. 255. In all factory buildings, every elevator and elevator opening and the machinery connected therewith, and every hoistway, hatchway, and well-hole shall be so constructed, guarded, equipped, maintained, and operated as to be safe for all persons; the board shall adopt rules to carry into effect the provisions of this section.

Safety devices.

SEC. 256. 1. In every factory all machinery, belting, machines, apparatus, appliances, and equipment shall be properly guarded and provided with proper safety devices. All machinery, apparatus, furniture, and fixtures shall be so placed and guarded as to be safe for all persons. Whenever necessary for the safety of employees, special clothing or guards to be worn upon the person shall be provided and used. All moving parts of machinery shall be kept properly lighted during working hours when necessary to prevent accident. The board may make rules to carry into effect the foregoing provision.

2. No person shall remove or make ineffective any safeguard or safety appliance or device around or attached to machinery, vats, or pans, unless for the purpose of immediately repairing or adjusting such machinery, guard, appliance, or device and he shall immediately replace such guard, appliance, or device when such purpose is accomplished. It shall be the duty of the employer and of every person exercising direction or control over the per-

son who removes such safeguard, safety appliance, or device, or over any person for whose protection it is designed, to see that it is promptly and properly replaced.

3. If the commissioner finds that a machine or any part thereof is in a dangerous condition or is not properly guarded or is dangerously placed, he shall attach to such machine a notice warning all persons against the use thereof. Such notice shall not be removed except by an authorized representative of the commissioner nor until the machinery is made safe and the required safeguards or safety appliances or devices are provided, and in the meantime such machinery shall not be used.

SEC. 257. 1. In every factory proper lighting shall be provided during working hours for: Lighting.

a. All places where persons work or pass, or may have to work or pass in emergencies;

b. All elevator cars and entrances;

c. All halls and stairs leading to workrooms;

d. All moving parts of machinery not required to be guarded by section two hundred and fifty-six and the rules of the commission, and dangerous because of their location.

2. In every factory workroom the lighting shall be such as will not cause strain on the vision or glare in the eyes of workers.

3. In the public hallway upon each floor of every factory building a proper light shall be kept burning near the stairs during each working day from the opening of the building until its closing, except when natural light suffices. Such lights shall be arranged to operate reliably when through accident or other cause other lights of the building are extinguished.

[Sections 260-269 define what is meant by fireproof construction, etc., in the Labor Law, and give in detail the requirements for the various factors. On account of the detailed and technical nature of the matter, it is not reproduced here.]

SEC. 270. No factory shall be conducted in a building erected after October first, nineteen hundred and thirteen, which is more than one story in height unless such building shall conform to the following requirements: Factory re-
quirements.

1. All buildings more than four stories in height shall be fireproof.

2. Roofs shall be covered either with incombustible material, or tar and slag, or plastic cement or such other materials as the board may approve, supported and laid according to its specifications. Cornices shall be constructed of incombustible material. All exterior walls within twenty-five feet of a nonfireproof building shall be built of brick, stone, concrete or terra cotta not less than eight inches thick and shall extend three feet above the roof. Roofs and
walls.

3. The term "floor area" as used in this section means the entire space between fire walls or between a fire wall and an exterior wall of a building, or between the exterior walls of a building where there is no intervening fire wall. From every floor area there shall be not less than two exits remote from each other, one of which on every floor above the ground floor shall be an interior inclosed fireproof stairway or an exterior inclosed fireproof stairway, and the other either such a stairway or a horizontal exit. No point in any floor area shall be more than one hundred feet distant from the entrance to one such exit at that floor and in a sprinklered building more than one hundred and fifty feet distant from such exit. In every building over one hundred feet in height there shall be at least one exterior fireproof inclosed stairway which shall be accessible from any point in the building. Exits.

4. All stairways shall be constructed of incombustible material and shall have an unobstructed width of at least forty-four inches throughout their length except that hand rails may project not more than three and one-half inches into such width. There shall be not more than twelve feet six inches in height between successive landings. The treads shall be not less than ten inches wide exclusive of nosing, and the rise shall be not more than seven Stairways.

and three-fourths inches. No stairway with "winders" shall be permitted as a required exit. The treads shall be constructed and maintained so as to prevent persons from slipping thereon. Every stairway shall be inclosed on all sides by fireproof partitions extending continuously from the lowest story to which the stairway extends to three feet above the roof, except that in buildings with fireproof roof slabs the stairway inclosure may terminate at the under side of such slabs. The roof of the inclosure shall be constructed of fireproof material at least four inches thick and the inclosure shall be ventilated by (a) windows in exterior walls, or (b) by skylights in metal frames with fixed or movable louvres, or (c) by ventilators in the roof of the inclosure. Exterior windows within twenty-five feet of a nonfireproof structure shall be fireproof. Skylights, unless provided with wired glass, shall have thereunder a shield of wire mesh in substantial framework. Whenever safe egress may be had from the roof to an adjacent structure all stairways serving as required exits shall extend to the roof: *Provided*, That in buildings over five stories in height all stairways serving as required exits shall extend to the roof. All stairways serving as required exits shall lead (a) continuously to the street, or (b) to a fireproof passageway independent of other exits from the building opening on a road or street, or (c) to an open area affording unobstructed passage to a road or street. Provision shall be made for the adequate lighting of all stairways by artificial light.

Doors. 5. All doors shall open outwardly. The width of the hallways and exit doors leading to the street at the street level shall be not less than the aggregate width of all stairways leading to them. Every door leading to or opening on a stairway shall have an unobstructed width of at least forty-four inches.

Partitions. 6. All partitions in the interior of fireproof buildings shall be of incombustible material.

Openings. 7. All elevator and dumb-waiter shafts, vent and light shafts, pipe and duct shafts, hoistways and all other vertical openings leading from one floor to another shall be inclosed throughout their height by inclosures of fireproof material. Every such inclosure shall have a roof of fireproof material. If the inclosure extends to the top story it shall be continued to three feet above the roof or to the roof if it is fireproofed and shall have at the top a metal frame skylight at least three-fourths of the area of the shaft or an exterior window with metal frame and sash. The bottom of the inclosure shall be of fireproof material unless the opening extends to the cellar bottom. All openings in such inclosures shall be provided with fire doors except that openings in the inclosure of vent and light shafts may be provided with fire doors or with fireproof windows.

Older buildings. [Section 271 sets forth the requirements for buildings erected prior to October 1, 1913.]

Fire protection. Sec. 272. No factory shall be conducted in any building unless such building shall be so constructed, equipped and maintained in all respects as to afford adequate protection against fire to all persons employed therein, nor unless in addition to the provisions of sections two hundred and seventy and two hundred and seventy-one such buildings shall conform to the following requirements:

Exits to be clear. 1. Every exit shall be maintained in an unobstructed condition. Safe and continuous passageways with an unobstructed width of at least three feet throughout their length and leading directly to every exit including fire escapes and passenger elevators shall be maintained at all times on every floor of the building.

Stairways. 2. Stairways shall be provided with proper hand rails. Where the stairway is inclosed by fireproof partitions the bottom of the inclosure shall be of fireproof material at least four inches thick, unless such partitions extend to the cellar bottom. If safe egress may be had from the roof to an adjacent structure all stairways serving as required exits and extending to the top story shall be continued to the roof.

3. No door leading into or out of any factory or any floor thereof shall be locked, bolted, or fastened during working hours. No door, window, or other opening on any floor shall be obstructed by stationary metal bars, grating, or wire mesh. Metal bars, grating, or wire mesh provided for any such door, window, or other opening shall be so constructed as to be readily movable or removable from both sides so as to afford free and unobstructed use thereof as a means of egress and they shall be left unlocked during working hours. Every door opening on a stairway or other exit shall open so as not to obstruct the passageway.

Doors and windows.

4. A sign marked "exit" in letters not less than eight inches in height shall be placed over all openings leading to stairways and other exits and a red light shall be placed over all such openings and used in time of darkness.

Exit signs.

5. The board may adopt rules and establish requirements and standards for construction, equipment, and maintenance of factory buildings or of particular classes thereof and the means and adequacy of exit therefrom in order to carry out the purposes of this chapter, in addition to the requirements of sections two hundred and seventy to two hundred and seventy-four, inclusive, and not inconsistent therewith.

Regulations.

Sec. 273. All outside fire escapes erected after October first, nineteen hundred and thirteen, on buildings theretofore erected and serving as required exits shall conform to the following requirements:

Fire escapes.

1. They shall be built of wrought iron or steel and shall be so designed, constructed, and erected as to safely sustain on all platforms, balconies, and stairways a live load of not less than ninety pounds per square foot with a factor of safety of four.

2. Whenever practicable a continuous run or straight run stairway shall be built.

3. All openings leading thereto shall have an unobstructed width of at least two feet and an unobstructed height of at least six feet. Such openings shall extend to the floor level or within six inches thereof, shall be not more than seven inches above the floor of the fire-escape balcony and shall be provided with fire doors, except in buildings five stories or under in height complying with the provisions of subdivisions five and six of section two hundred and seventy-four.

4. All windows opening upon the course of the fire-escape shall be fireproof windows.

Windows.

5. On every floor above the first there shall be a balcony firmly fastened to the building and embracing one or more easily accessible and unobstructed openings. The balconies shall have a width of at least four feet throughout their length and shall have a landing not less than twenty-four inches square at the head of every stairway. There shall be a passageway between the stairway opening and the side of the building at least eighteen inches wide throughout except where the stairways reach and leave the balconies at the ends or where double run stairways are used. The stairway openings of the balconies shall be of a size sufficient to provide clear headway and shall be guarded on the long side by an iron railing not less than three feet in height. Each balcony shall be surrounded by an iron railing not less than three feet in height properly braced.

Balconies.

6. The balconies shall be connected by stairways not less than twenty-two inches wide placed at an incline of not more than forty-five degrees, with steps of not less than eight-inch tread and not over eight-inch rise and provided with a handrail not less than three feet above the treads. The treads of such stairways shall be so constructed as to sustain a live load of four hundred pounds per step with a factor of safety of four.

7. There shall be a similar stairway from the top floor balcony to the roof, except where the fire escape is erected on the front of the building.

8. A similar stairway shall also be provided from the lowest balcony to a safe landing place beneath, which stairway shall

Landings.

remain down permanently or be arranged to swing up and down automatically by counter-balancing weights.

9. When not erected on the front of the building, safe and unobstructed egress shall be provided from the foot of the fire escape by means of an open court or courts or a fireproof passageway having an unobstructed width of at least three feet throughout, leading to the street, or by means of an open area having communication with the street. Such fireproof passageway shall be adequately lighted at all times and the lights shall be so arranged as to insure their reliable operation when through accident or other cause the regular factory lighting is extinguished.

Older fire escapes. [Section 274 relates to fire escapes erected before October 1, 1913.

Act supplemental. Section 275 declares sections 272-274 not a substitute for local or general laws on the subject, but supplemental unless inconsistent, when they supersede such laws.]

Inspection. SEC. 276. 1. The officer of any city, village, or town having power to inspect buildings therein to determine their conformity to the requirements of law or ordinance governing their construction shall, whenever requested by the commissioner, inspect any factory building therein and certify to the commissioner whether such building conforms to the requirements of this chapter and the rules of the board. Such certificate shall be presumptive evidence of the truth of the matters therein stated.

Approval of plans. 2. Before constructing or altering a building to be used for a factory, the plans and specifications therefor may be submitted to the commissioner in such form as he may require. If they comply with the requirements of this chapter and the rules of the board, the commissioner shall issue his certificate approving the same. The commissioner may request any officer of the city, village, or town in which the building is located who has power to approve plans for construction and alteration of buildings therein to examine the plans and specifications and to certify whether such plans and specifications conform to the requirements of the law and the rules of the board. Such certificate shall be presumptive evidence of the truth of the matters therein stated.

Certificate. 3. After such construction or alteration shall be completed, the commissioner shall, when requested by the owner or person filing the plans, ascertain by inspection or in the manner provided in subdivision two of this section whether the building conforms to the requirements of this chapter and the rules of the board. If the commissioner finds that it does so conform he shall issue his certificate to that effect.

Permit. SEC. 277. The officer of any city, village, or town having power to approve plans for the construction and alteration of buildings shall, immediately upon the issuance of a permit for the construction or alteration of a building to be used for a factory or mercantile establishment as defined by this chapter, forward to the commissioner on forms provided by him a notice of the issue of such permit and such other information as he may require. The provisions of this section shall not apply to the city of New York.

Number of occupants. SEC. 278. The number of persons who may be employed in a factory building or portion thereof above the ground floor shall be limited to such number as can safely escape from the building by the exits provided in the building and shall not exceed the following:

1. In a building erected after October first, nineteen hundred and thirteen, fourteen persons for every full twenty-two inches in width of stairway provided for such floor and conforming to the requirements for required exits, except as to extension to the roof. No allowance shall be made for any excess in width of less than twenty-two inches.

2. In a building erected before October first, nineteen hundred and thirteen, fourteen persons for every eighteen inches in width of stairway provided for such floor and conforming to the requirements for required exits except as to extension to the roof. For

any excess in width of less than eighteen inches, a proportionate increase in the number of occupants shall be allowed. If a stairway has winders a deduction of ten per centum shall be made in computing the capacity of such stairway. Where the commissioner finds that the safety of the occupants of any such building will not be endangered thereby, he may allow an increase in the number of occupants of any floor in such building to a number not greater than at the rate of twenty persons for every eighteen inches in width of such stairway provided for such floor, with a proportionate increase in the number of occupants for any excess in width of less than eighteen inches.

3. On any floor which is more than ten feet from the one immediately beneath, the number "fourteen" allowed in subdivisions one and two may be increased respectively by one person for every sixteen inches over ten feet between the two floors: *Provided*, Such stairways conform to the requirements for required exits except as to extension of roof.

4. The number of persons permitted to be employed on any floor under subdivisions one, two, and three may be increased one hundred per centum where there is maintained throughout the building an automatic sprinkler system conforming to the requirements of section two hundred and eighty and to the rules of the board. Sprinkler system.

5. In addition to the number of persons allowed in subdivisions one, two, and three, so many persons may be employed on any floor as can occupy the stair halls, allowing five square feet of unobstructed floor space per person where the stairways and stair halls are inclosed as follows: Additional occupants.

(a) By partitions as required by sections two hundred and seventy and two hundred and seventy-one.

(b) By partitions erected before October first, nineteen hundred and thirteen, of brick, concrete, or terra cotta blocks, openings in which are provided with fire doors, constructed in a manner approved before October first, nineteen hundred and thirteen, in the city of New York by the superintendent of buildings having jurisdiction; if elsewhere in a manner conforming to rules adopted by the board under subdivision two of section two hundred and seventy-one.

6. On any floor at which a horizontal exit is provided so many persons may be employed as can occupy the smaller of the spaces on either side of the fireproof partitions or fire walls, or as can occupy the floor of an adjacent building which is connected with such floor by openings in the wall or walls between the buildings or by exterior balconies or bridges in addition to the occupants of such connected floor in such adjacent building, allowing five square feet of unobstructed floor space per person. The openings constituting such exits, or if such exits are balconies or bridges, the openings leading thereto shall be of sufficient aggregate width to allow eighteen inches in width of openings for each fifty persons or fraction thereof employed on such floor in the case of horizontal exits constructed before October first, nineteen hundred and thirteen, and twenty-two inches in the case of horizontal exits constructed after that date. Horizontal exits.

7. In a fireproof building erected before October first, nineteen hundred and thirteen, where any floor is subdivided by a partition conforming to the requirements of this subdivision and all the windows on such floor and on the two floors immediately beneath are fireproof so many persons may be employed on such floor as can occupy the smaller of the spaces on either side of such partition, allowing five square feet of unobstructed floor space per person. Partitions.

The partition shall be of brick, terra cotta, or concrete not less than four inches thick extending continuously from the fireproofing of the floor to the under side of the fireproofing of the floor above. All openings in the partition shall be protected by fire doors not less than forty-four inches nor more than sixty-six inches in width, which shall be kept unlocked and unobstructed

during working hours. On each side of the partition there shall be at least one stairway conforming to the requirements for required exits. The partition shall have doorways of sufficient width to allow eighteen inches in width of openings for each fifty persons or fraction thereof employed on such floor. The provisions of this subdivision shall apply to any fireproof building erected before October first, nineteen hundred and thirteen, which may hereafter be made to conform to the requirements hereof.

Different tenants.

8. Where a floor is occupied by more than one tenant, the commission may prescribe how many of the persons allowed to occupy such floor under the provisions of this section may occupy the space of each tenant.

Notices.

9. In every factory building two stories or over in height, the commission shall cause to be posted in a conspicuous place in every stair hall and workroom, notices specifying the number of persons that may occupy each floor thereof in accordance with the provisions of this section. If any floor is occupied by more than one tenant such notices shall be posted in the space occupied by each tenant, and shall state the number of persons that may occupy such space. Every such notice shall bear the date when posted.

10. In buildings erected after July first, nineteen hundred and eighteen, no increases in occupancy shall be permitted under the provisions of section thirty of this chapter.

Fire-alarm systems.

SEC. 279. 1. Every factory building over two stories in height in which more than twenty-five persons are employed above the ground floor shall be equipped by the owner thereof with a fire alarm signal system having a sufficient number of signals clearly audible to all occupants of the building, and so arranged as to permit the sounding of all the alarms within the building whenever the alarm is sounded in any portion thereof. Such system shall be maintained in good working order and no person shall tamper with same or render ineffective any portion thereof except to repair it. A person discovering a fire shall cause an alarm to be sounded immediately. The board of standards and appeals in the city of New York and elsewhere the board may make rules and regulations prescribing the number, character, and location of the signals and the method and character of the installation, including that of all appliances in connection therewith.

Fire drills.

2. In every factory building over two stories in height in which more than twenty-five persons are employed above the ground floor, a fire drill shall be conducted at least once a month in which all of the occupants of the building shall participate simultaneously and which shall conduct all such occupants to a place of safety. In New York City the fire commissioner and elsewhere the board shall make rules, regulations, and special orders necessary or suitable to each situation and to secure the personal cooperation of all the tenants of the building in a fire drill of all the occupants thereof. Such rules, regulations, and orders may require the posting of the same or an abstract thereof and may prescribe upon whom shall rest the duty of carrying them out.

Exceptions.

3. Subdivisions one and two of this section shall not apply to a building in which every square foot of the floor area on all stories is protected with an automatic sprinkler system having two adequate sources of water supply and approved by the public authorities having jurisdiction thereof and in which also the maximum number of occupants of any one floor does not exceed by more than fifty per centum the capacity of the exits, as determined by subdivisions one, two, and three of section two hundred and seventy-eight, in addition to the prescribed occupancy under subdivisions five, six, and seven of said section. If the commissioner after investigation determines that the spirit of this chapter is observed and public safety secured he may permit in place of the automatic sprinkler system before specified an automatic sprinkler system having one adequate source of water supply and approved by the public authorities having jurisdiction thereof.

4. The provisions of this section shall be enforced in the city of New York by the fire commissioner of said city and elsewhere by the commissioner.

Enforcement.

SEC. 280. In every factory building over seven stories or ninety feet in height in which wooden flooring or wooden trim is used and more than two hundred people are regularly employed above the seventh floor or more than ninety feet above the ground level of the building, the owner thereof shall install an automatic sprinkler system to be approved in the city of New York by the fire commissioner in such city and elsewhere by the board. The provisions of this section shall be enforced in the city of New York by the fire commissioner of said city and elsewhere by the commissioner.

Automatic sprinklers.

SEC. 281. Every factory shall be provided with properly covered fireproof receptacles, the number, style, and location of which shall be approved in the city of New York by the fire commissioner and elsewhere by the commissioner. There shall be deposited in such receptacles waste materials, cuttings, and rubbish of an inflammable nature. No waste materials, cuttings, or rubbish shall be permitted to accumulate on the floors of any factory, but shall be removed therefrom not less than twice each day. All such waste materials, cuttings, and rubbish shall be entirely removed from a factory building at least once a day, except that baled waste material may be stored in fireproof inclosures. All such baled waste material shall be removed from the building at least once a month.

Fireproof receptacles.

SEC. 282. All gas jets and other lights in factories shall be properly inclosed by globes or wire cages or shall be otherwise properly protected in a manner approved in the city of New York by the fire commissioner of such city and elsewhere by the commissioner.

Lights.

SEC. 283. 1. No person shall smoke in a factory. A notice of such prohibition stating the penalty for violation thereof shall be kept posted in every entrance hall, elevator, stair hall, and room of a factory in English, and in such other languages as the fire commissioner of the city of New York in such city and elsewhere the commissioner shall direct.

Smoking.

2. The board in its rules may permit smoking in protected portions of a factory, or in such classes of occupancies where in its opinion the safety of the employees will not be endangered thereby. The fire commissioner of the city of New York in such city and elsewhere the commissioner may issue such permits in accordance with rules adopted by the board.

3. The fire commissioner of the city of New York in such city and elsewhere the commissioner shall enforce this section.

SEC. 290. Every room in a factory and every part thereof and all fixtures therein shall at all times be kept in a safe and sanitary condition and in proper repair. No person shall expectorate upon the walls, floors, or stairs of a factory or of the building in which it is located. Suitable receptacles shall be provided and used for the storage of waste and refuse.

Safety and sanitation.

SEC. 291. Every part of a factory building and of the premises thereof and the plumbing therein, shall at all times be kept in a safe and sanitary condition and in proper repair.

Plumbing, etc.

SEC. 292. There shall be provided in every factory at all times for the use of employees a sufficient supply of clean and pure drinking water, and if placed in receptacles the same shall be properly covered and kept clean.

Drinking water.

SEC. 293. 1. There shall be provided and maintained for employees in every factory suitable and convenient washrooms separate for each sex, adequately equipped with washing facilities. Every washroom shall be adequately ventilated and heated and shall be lighted by artificial means where necessary.

Washrooms.

2. In factories where lead, arsenic or other poisonous substances or injurious or noxious fumes, dust or gases are present as an incident or result of the business or occupation, hot water, soap and individual towels shall be furnished.

SEC. 294. There shall be provided in every factory where females are employed dressing or emergency rooms having at least

Dressing rooms.

one window leading to the outer air. Where more than ten females are employed, one or more separate dressing rooms shall be provided. All dressing rooms shall be separated from water-closets by suitable partitions, shall have adequate floor space in proportion to the number of employees, shall be provided with seats and with suitable means for hanging clothes, and shall be constructed, heated, ventilated, lighted and maintained in accordance with the rules of the board.

Water-closets.

SEC. 295. 1. There shall be provided for every factory a sufficient number of suitable and convenient water-closets. All water-closets shall be maintained inside the factory building, except where in the opinion of the commissioner it is impracticable to do so.

2. There shall be separate water-closet compartments or toilet rooms for females, constructed and maintained in accordance with the rules of the board.

3. The use of any form of trough water-closet, latrine or school sink within any factory is prohibited except as may be permitted by the board in its rules. Such appliances shall be replaced by proper individual water-closets or by trough water-closets conforming to the rules of the board, placed in water-closet compartments.

4. All water-closets, urinals, water-closet compartments and toilet rooms and the plumbing in connection therewith shall be properly constructed, installed, ventilated, lighted, heated and maintained in accordance with the rules of the board.

5. All water-closet compartments and toilet rooms and the fixtures therein shall be kept in a sanitary condition, and in proper repair. The inclosure of each compartment and toilet room shall be kept clean from obscene writing or marking.

Laundries.

SEC. 296. A shop, room or building where one or more persons are employed in doing public laundry work by way of trade or for purposes of gain is a factory within the meaning of this chapter and subject to the provisions relating to factories. No such public laundry work shall be done in a room used for sleeping or living purposes. All such laundries shall be kept in a clean condition and free from vermin and from all impurities of an infectious or contagious nature. This section shall not apply to a female doing custom laundry work at her home for regular family trade.

Unclean factories.

SEC. 297. 1. If the commissioner finds evidence of contagious disease in a factory, he shall affix to the articles therein exposed to contagion a label containing the word "unclean" and shall notify the local department or board of health, which after disinfecting the articles may remove such label.

2. If the commissioner finds that the factory or workroom therein is unsanitary, the commissioner may, upon filing in his office a written order stating the reasons therefor, affix to any articles therein a label containing the word "unclean." Such label shall be removed only by an authorized representative of the commissioner and not until such articles are removed from the factory and cleaned, or until the factory or workroom is made sanitary.

Living quarters, etc.

SEC. 298. Every employer conducting a factory and furnishing to employees thereof living quarters at a place outside the factory, either directly or through any third person, by contract or otherwise, shall maintain such living quarters in a sanitary condition and in accordance with rules adopted by the board.

Ventilation, etc.

SEC. 299. 1. Every workroom in a factory shall be provided with proper and sufficient means of ventilation, natural or mechanical, or both, as may be necessary, and there shall be maintained therein proper and sufficient ventilation and proper degrees of temperature and humidity at all times during the working hours. If owing to the nature of the manufacturing process carried on in the factory workroom excessive heat be created therein, there shall be provided, maintained, and operated

such special means or appliances as may be required to reduce such excessive heat.

2. All machinery creating dust or impurities shall be equipped with proper hoods and pipes connected to an exhaust fan of sufficient capacity and power to remove such dust or impurities; such fan shall be kept running constantly while such machinery is in use. If in case of wood-working machinery the board decides that such apparatus is unnecessary for the health and welfare of the employees, it may adopt rules excepting such machinery from the operation of this subdivision. Dust, gases,
etc.

3. If dust, gases, fumes, vapors, fibers, or other impurities are generated or released in the course of the business carried on in any workroom of a factory, in quantities tending to injure the health of the employees, suction devices shall be provided which shall remove such impurities from the workroom, at their point of origin where practicable, by means of proper hoods connected to conduits and exhaust fans. Such fans shall be kept running constantly while the impurities are being generated or released.

4. The board shall make rules for and fix standards of ventilation, temperature, and humidity in factories and shall prescribe the special means, if any, required for removing impurities or for reducing excessive heat, and the machinery, apparatus, or appliances to be used for any of said purposes, and the construction, equipment, maintenance, and operation thereof. Standards.

5. If any requirement of this section or any rule adopted thereunder be not complied with, the commissioner shall issue an order directing compliance therewith within thirty days after the service thereof. He may in such order require plans and specifications to be filed. In such case, before providing or making any change or alteration in any machinery or apparatus for any of the purposes specified in this section, the person upon whom such order is served shall file with the commissioner plans and specifications therefor and shall obtain his approval of the same. Orders.

Sec. 300. No greater number of persons shall be employed in any room of a factory between six o'clock in the morning and six o'clock in the evening than will allow each person so employed two hundred and fifty cubic feet of air space nor, unless by written permit of the commissioner, than will allow four hundred cubic feet of air space for each person employed between six o'clock in the evening and six o'clock in the morning. Such rooms shall be lighted by electricity whenever persons are employed therein between six o'clock in the evening and six o'clock in the morning. Air space.

Sec. 310. Foundries shall conform to the provisions of this chapter relating to factories and also to the following requirements: Foundries.

1. Entrances and windows shall be constructed and maintained so as to minimize drafts.

2. Gangways shall be constructed and maintained of sufficient width to make the use thereof by employees reasonably safe and shall not be obstructed during the progress of casting.

3. Smoke, steam or gases generated in foundries shall be effectively removed therefrom in accordance with rules adopted by the board. The milling and cleaning of castings and the milling of cupola cinders shall be done under such conditions to be prescribed by the rules of the board as will adequately protect the employees from dust. The use of heaters discharging smoke or gas into the workrooms is prohibited except that open fires may be used under conditions prescribed by the board in its rules. Suitable provision shall be made for drying the working clothes of employees.

4. All apparatus, tools, implements and equipment shall be kept in proper condition and repair.

5. A first-aid kit shall be provided for the use of employees in case of burns or accidents. First aid.

6. Where ten or more persons are employed (a) there shall be provided suitable and convenient washrooms adequately equipped Washrooms.

- with hot or cold water. Such washrooms shall be kept clean and properly heated. (b) Lockers shall be provided for the employees' clothing. (c) If outside watercloset or privy accommodations are permitted by rules of the board, they shall be properly heated and the passageway leading from the foundry thereto shall be so constructed and protected that employees using the passageway shall not be exposed to the outdoor atmosphere.
- Owner.** Sec. 315. Whenever used in this article:
1. "Owner" means the owner of the premises, or the lessee of the whole thereof, or the agent in charge of the property.
- Tenant factory.** 2. "Tenant-factory building" means a building, separate parts of which are occupied and used by different persons and one or more of which parts is used as a factory.
- Operator's duty.** SEC. 316. 1. Except as in this article otherwise provided, the person operating a factory, whether as owner or lessee of the whole or a part of the building in which the same is situated or otherwise, shall be responsible for the observance of the provisions of this article, anything in any lease or agreement to the contrary notwithstanding.
- Owner's duty.** 2. The owner of a tenant-factory building, whether or not he is also one of the occupants instead of the respective tenants, shall be responsible for the observance of the following provisions of this article, anything in any lease to the contrary notwithstanding:
* * * [Enumerates sections prescribing structural provisions and equipment.] Except that the tenants shall also be responsible within their respective holdings for the observance of the provisions of the following sections: Section two hundred and fifty-five, elevators and hoistways; section two hundred and seventy, construction of buildings erected after October first, nineteen hundred and thirteen; section two hundred and seventy-one, requirements for buildings erected before October first, nineteen hundred and thirteen; section two hundred and seventy-two, additional requirements for all buildings; section two hundred and seventy-three, fire escapes erected after October first, nineteen hundred and thirteen, on buildings theretofore erected; section two hundred and seventy-four, fire escapes erected before October first, nineteen hundred and thirteen.
- Tenants.** The owner shall also be responsible for all other provisions of this article in so far as they affect those portions of the tenant-factory building or its premises that are used in common or by more than one occupant.
- Parts in joint use.** 3. The tenant of any part of a tenant-factory building shall permit the owner, his agents, and employees to enter and remain upon the demised premises whenever and so long as may be necessary to comply with the provisions of law, the responsibility for which is by this section placed upon the owner; and his failure or refusal so to do shall be a cause for dispossessing said tenant by summary proceedings to recover possession of real property, as provided in the Code of Civil Procedure. Whenever by the terms of a lease any tenant has agreed to comply with or carry out any of such provisions, his failure or refusal so to do shall be a cause for dispossessing said tenant by summary proceedings as aforesaid.
- Owner may enter.**

ARTICLE XII.

Bakery.

SECTION 330. Whenever used in this chapter:
1. "Bakery" means a building, room, or place used for making, preparing, or baking bread, biscuits, pastry, cakes, doughnuts, crullers, noodles, macaroni, or spaghetti to be sold or consumed on or off the premises, except kitchens in hotels, restaurants, boarding houses, and private residences, wherein all such products are consumed exclusively on the premises; and with respect to the provisions of this chapter relating to machinery, safety devices and sanitary conditions includes hotel bakeries. A bakery is a factory within the meaning of this chapter.

2. "Cellar" means a room or part of a building which is more than one-half its height below the level of the curb or ground adjoining the building, excluding areaways. Cellar.

3. "Owner" means the owner of the premises, the lessee of the whole thereof, or the agent in charge. Owner.

4. "Occupier" means the person in possession of the premises and conducting the bakery therein. Occupier.

SEC. 331. 1. A bakery shall have proper and sufficient drains, sinks, clean running water, and properly ventilated water-closets. The water-closets shall be apart from and shall not open directly into the bake room or rooms where the raw material or manufactured product thereof is stored or sold. Equipment.

2. A bakery shall have adequate windows, and, if required by the rules of the board, hoods and pipes or other means for ventilating ovens and ashpits.

3. A bakery shall be at least eight feet in height measured from the surface of the finished floor to the under side of the ceiling, except that any cellar or basement of less height which was used for a bakery on the second day of May, eighteen hundred and ninety-five, need not conform to this provision.

4. The flooring shall be of smooth even cement, or tiles laid in cement, or wood, and shall be free from crevices and holes. The side walls and ceilings shall be either plastered, ceiled, or wainscoted.

SEC. 332. 1. Every part of a bakery, its equipment, plumbing, and the yards and areaways adjoining shall be kept in good repair, in sanitary condition, and free from vermin. All furniture, troughs, and utensils shall be so constructed and arranged as not to prevent cleaning them or any part of the bakery. All interior woodwork, walls, and ceilings shall be painted or limewashed once every three months, where so required by the commissioner. Maintenance.

2. Sanitary receptacles shall be used for coal, ashes, refuse, and garbage. The contents of the receptacles for refuse and garbage shall be removed daily. Mechanical means of ventilation, when provided, shall be effectively used and operated. Windows, doors, and other openings shall be properly screened. Lockers shall be provided for the street clothes of employees. Refuse.

3. No person shall use or be permitted to use tobacco in any form in a bakery or room where the raw material or manufactured product of the bakery is stored or sold. Use of tobacco.

4. No person shall sleep or be permitted to sleep and no domestic animals, except cats, and no birds, shall be allowed to remain in a bakery or room where the raw material or manufactured product of the bakery is stored or sold. Sleeping.
Animals.

5. Every person while engaged in the manufacture and handling of bakery products shall wear a clean suit and clean shoes or slippers. The suit shall be of washable material and used for that work only. Clothing.

SEC. 333. No person who has a communicable disease shall work or be permitted to work in a bakery. Whenever required by a medical inspector of the department, a person working in a bakery shall submit to a physical examination by such inspector. No person who refuses to submit to such examination shall work or be permitted to work in a bakery. Diseased persons.

SEC. 334. The owner shall comply with section three hundred and thirty-one, and the occupier with sections three hundred and thirty-two and three hundred and thirty-three, unless by a lease the other party thereto has agreed to comply with any provision of such sections and depuplicate original of such lease has been previously filed with the commissioner, in which event the party assuming responsibility shall be liable for compliance. Owners and occupiers.

* * * * *

2. Every basement or cellar used as a confectionery or ice cream manufacturing shop shall be not less than seven feet high measured from the surface of the finished floor to the under side Cellars as confectioneries, etc.

of the ceiling, except that any cellar or basement which is more than six feet high and was so used before October first, nineteen hundred and six, need not conform to this section. The board may apply any or all of the provisions of this article to a factory located in a cellar wherein any food product is manufactured.

ARTICLE XIII.

SECTION 350. Whenever used in this article:

- Tenement house.** 1. "Tenement house" means a house or building, or portion thereof, rented or leased to be occupied, or which is occupied in whole or in part as the home or residence of three or more families living independently of each other and doing their cooking upon the premises, and includes an apartment house so occupied and any building on the same lot with a tenement house used for any purpose specified in this article.
- Manufacturing.** 2. "Manufacture," "manufacturing," "manufactured" or "making" includes preparation, alteration, repair or finishing, in whole or in part.
- Exceptions.** SEC. 351. (As amended by chapter 642, Acts of 1921). This article shall not apply to: (1) A cellar bakery having a certificate of exemption issued pursuant to section three hundred and thirty-eight of this chapter; (2) a tenement house the only manufacture in which is carried on in a shop, on the main or ground floor which has direct entrance from the street, no openings into living rooms or the rest of the building and is not used for sleeping or cooking; (3) manufacture of an article by a family for the exclusive use of one of its members; (4) manufacture of cotton or linen collars, cuffs, shirts or shirt waists that are to be laundered before being offered for sale.
- Sale prohibited.** SEC. 352. No article manufactured in a tenement house contrary to this chapter shall be sold or exposed for sale by any person.
- Permits and licenses.** SEC. 353. 1. The owner or operator of a factory shall secure a permit from the commissioner before employing or contracting with any person for manufacture in a tenement house and shall not employ or contract with any person for manufacture in a tenement house that has no license.
2. The owner of a tenement house, or his agent, shall secure a license from the commissioner before permitting any person to manufacture upon his premises.
- Applications.** SEC. 354. An application of the owner of a tenement house for a license shall be made out upon a blank furnished by the commissioner and shall give the number of apartments in the tenement house, its owner's full name and address and its location by street number or by other description that will enable the commissioner to find it readily.
- Sanitary, etc., conditions.** SEC. 355. 1. The tenement house, its furniture, appointments, and the articles in process of manufacture therein shall be clean, sanitary, and free from vermin; the plumbing shall not permit the entrance of sewer air; each working room shall be well lighted and ventilated and shall have at least five hundred cubic feet of air space for each person permitted to work therein.
2. The tenement house, the articles in process of manufacture, and the persons living therein shall be free from infectious, contagious or communicable disease.
- Who may work.** 3. No person other than a member of a family residing therein shall manufacture any article in a tenement house, except a tailor or seamstress making wearing apparel for a person residing therein and except employees of a dressmaker shop in a room or apartment on the first or second floor which deals solely in the custom trade direct to the consumer, has at least one thousand cubic feet of air space for each worker, has no children under fourteen living or working therein and possesses a special permit from the commissioner, a copy of which with the reasons for granting it, is on file in his office. No child shall work in a tenement house except in accordance with articles four and five of this chapter.

4. No article shall be manufactured in a cellar or basement of a tenement house if such cellar or basement is below the level of the adjoining ground more than one-half of its height. Cellars.

5. No article of food, no dolls or dolls' clothing and no article of children's or infants' wearing apparel shall be manufactured for a factory either directly or through one or more contractors or other third persons in any apartment of a tenement house, if any part of such apartment is used for living purposes. Articles forbid-
den.

SEC. 356. Upon receipt of an application for license to manufacture in a tenement house, the commissioner shall consult the records of the local board or department of health. He need proceed no further unless and until such records show no condition contrary to section three hundred and fifty-five. Before granting a license he shall also inspect the tenement house. If the records of the local board or department of health and the inspection show full compliance with section three hundred and fifty-five the commissioner shall file in his office statements to such effect dated and signed in ink by the employee or employees who have consulted the records and made the investigation and shall issue to the owner a license permitting manufacture in the tenement house under the conditions prescribed in section three hundred and fifty-five. If the commissioner denies a license, he shall file in his office a statement of the reasons for such denial. At any time, upon request, the local board or department of health shall furnish to the commissioner copies of its records and other information necessary to the carrying out of this article. I s s u e of li-
censes.

SEC. 357. The commissioner shall inspect every tenement house used for manufacture not less than once in every six months. In connection with such an inspection he may consult the record of orders issued by the local board or department of health since the last previous inspection. Upon demand, any resident of a tenement house engaged in manufacture of an article for a factory shall exhibit the factory label required by section three hundred and sixty-four. Inspections.

SEC. 358. If the commissioner discovers any manufacture in a tenement house contrary to this chapter, he shall serve a notice of such unlawful manufacture upon the owner of the tenement house or upon his agent. Notice.

SEC. 359. The commissioner shall order the owner of the tenement house to remedy forthwith any unsanitary condition and the tenants to clean at once any filthy room or apartment. He may affix a placard to the entrance door of a filthy room or apartment calling attention to its condition and prohibiting manufacture therein. No person except the commissioner shall remove or deface such placard. Unsanitary
conditions.

SEC. 360. The commissioner may conspicuously affix to any article unlawfully manufactured in a tenement house a tag not less than four inches in length bearing in small pica capital letters the words "tenement made." No person except the commissioner shall remove or deface such tag. Unlawful man-
ufactures.

SEC. 361. The commissioner may seize an unclean article and order the owner or the person entitled to possession of it to clean it at his own expense. Upon noncompliance within one month, the commissioner may destroy such article. Unclean arti-
cles.

SEC. 362. If the commissioner finds evidence of infectious, contagious or communicable disease in a tenement-house room or apartment, he shall affix to every article in process of manufacture therein the tag described in section three hundred and sixty and shall immediately report to the local board or department of health the location of such room or apartment and the evidence of disease therein. The board or department of health shall inspect the room or apartment within forty-eight hours after receiving such report. It may remove the labels and disinfect the articles or may condemn and destroy them. It shall issue such orders as the public health may require and shall report promptly its proceedings to the commissioner. No article shall Infected arti-
cles.

be manufactured in the room or apartment until the board or department of health has certified that it is in a sanitary condition.

Revocation.

SEC. 363. 1. The commissioner may revoke or suspend the permit of a factory owner or operator whenever this article or the provisions of articles four and five relative to child labor are violated in connection with any work for the factory.

2. The commissioner may revoke the license of a tenement house owner for unsanitary condition of the tenement house, for employment of a child therein contrary to articles four and five of this chapter or for noncompliance with an order issued by him within ten days after receipt of such order. He shall file in his office a statement of the reasons for every revocation.

Giving out articles.

SEC. 364. 1. No person owning or operating a factory or other person shall give out any article or material for manufacture in an unlicensed tenement house or for manufacture by a resident of a room or apartment in which infectious, contagious or communicable disease exists.

Duty of manufacturers.

2. Every person owning or operating a factory or other person giving out any article or material for manufacture in a tenement house shall:

a. Before giving out such article or material, ascertain from the commissioner whether or not the tenement house owner has a license and obtain from the local board or department of health the names and addresses of all tenement house residents within its jurisdiction known to it to be sick of infectious, contagious or communicable disease;

b. Keep a register and plainly write therein in English the name and address of every person to whom any article or material is given out;

c. Attach to each article or material given out a label bearing the name and address of his factory or his own name and business address legibly written or printed in English.

3. Upon demand of the commissioner the person giving out any article or material shall furnish a copy of his register and such other information as the commissioner may require.

Duty of owners.

SEC. 365. Unlawful manufacture of an article in a room or apartment of a tenement house shall be cause for dispossessing its occupants by summary proceedings to recover possession of real property as provided in the Code of Civil Procedure. Upon receipt from the commissioner of a notice showing unlawful manufacture in a room or apartment of a tenement house, the owner or his agent shall cause such unlawful manufacture to cease within ten days and, if unable to do so, shall institute within fifteen days and faithfully prosecute proceedings to dispossess the occupants.

Lists.

SEC. 366. The commissioner shall publish a complete list of factories and tenement houses whose owners or operators hold permits and licenses and shall revise and republish the list from time to time. The list shall give the names and addresses of the factory owners and the locations of the factories and shall show what permits and licenses are suspended or revoked.

ARTICLE XIV.

Mercantile establishments.

SECTION 375. Every room in a mercantile establishment and every part thereof and all fixtures therein shall at all times be kept sanitary. Floors shall be kept in safe condition. Suitable receptacles shall be provided and used for the storage of waste and refuse, and shall be maintained in a sanitary condition.

Sanitation, etc.

SEC. 376. Every part of a building in which a mercantile establishment is located and of the premises thereof and the plumbing therein shall at all times be kept in safe and sanitary condition and in proper repair.

Drinking water.

SEC. 377. Every mercantile establishment and every station, terminal, or car barn where woman employees of a street, surface, electric, subway, or elevated railroad report for duty shall provide

at all times for the use of employees a sufficient supply of clean and pure drinking water, and if placed in receptacles, the same shall be properly covered and kept clean.

SEC. 378. Every mercantile establishment, every office of a telegraph or messenger company in a city of the first or second class and every station, terminal or car barn where woman employees of a street, surface, electric, subway or elevated railroad report for duty shall provide and maintain for employees adequate and convenient washrooms or washing facilities, separate for each sex wherever required by the rules of the board. Every washroom shall be adequately ventilated and heated and shall be lighted by artificial means where necessary.

Washrooms.

SEC. 379. In every mercantile establishment where more than five women are employed and in every terminal or car barn where more than five woman employees of a street, surface, electric, subway or elevated railroad report for duty a sufficient number of dressing rooms conveniently located shall be provided for their use. All dressing rooms shall be separated from water-closets by adequate partitions, shall have adequate floor space in proportion to the number of employees, shall be provided with seats and with suitable means for hanging clothes and shall be constructed, heated, lighted and maintained in accordance with the rules of the board.

Dressing rooms.

SEC. 380. No lunch room in any mercantile establishment where females are employed shall be next to or adjoining a water-closet, unless a permit therefor is granted by the commissioner in a city or by the local board or department of health in a village. Such permit shall be granted if proper sanitary conditions exist and may be revoked at any time by the granting authority if the lunch room is kept in such a manner or is so located as to be injurious to the health of the employees.

Lunch rooms.

SEC. 381. 1. There shall be provided for every mercantile establishment, every telegraph or messenger company in a city of the first or second class and every station, terminal or car barn where woman employees of a street, surface, electric subway, or elevated railroad report for duty a sufficient number of suitable and convenient water-closets. They shall be maintained inside the building where the employees work, except where, in the opinion of the board, it is impracticable.

Water-closets.

2. There shall be separate water-closet compartments or toilet rooms for females, constructed and maintained in accordance with the rules of the board.

3. The use of any form of trough water-closet, latrine or school sink within any mercantile establishment is prohibited except as permitted by the rules. Such appliances shall be replaced by proper individual water-closets or by trough water-closets conforming to the rules of the board, placed in water-closet compartments.

4. All water-closets, urinals, water-closet compartments and toilet rooms and the plumbing in connection therewith shall be properly constructed, installed, ventilated, lighted, heated and maintained in accordance with the rules of the board.

5. All water-closet compartments and toilet rooms and the fixtures therein shall be kept in a clean and sanitary condition and in proper repair. The inclosure of each compartment and toilet room shall be kept clean from obscene writing or marking.

SEC. 382. Every mercantile establishment shall be provided with proper and sufficient means of ventilation by natural or mechanical means or both, as may be necessary, and there shall be maintained therein proper and sufficient ventilation and proper degrees of temperature and humidity at all times during working hours. The board shall make rules for and fix standards of ventilation, temperature and humidity in mercantile establishments.

Ventilation,
etc.

SEC. 383. No child under the age of sixteen years and no female shall be employed in the basement of a mercantile establishment unless a permit therefor is granted by the commissioner. Such permit shall be granted if the basement is sufficiently lighted, ventilated and sanitary.

Children and
females.

Contribution to
insurance fund.

SEC. 390. 1. A corporation operating a mercantile establishment shall not by deduction from salary, compensation or wages, by direct payment or otherwise, compel any employee in such establishment to contribute to a benefit or insurance fund maintained or managed for the employees of such establishment by such corporation, or by any other corporation or person. Every contract or agreement whereby such contribution is exacted shall be void.

2. A corporation violating this section shall be liable to a penalty of one hundred dollars recoverable by the person aggrieved in any court of competent jurisdiction.

3. A director, officer, or agent of a corporation which compels any employee to make a contribution in violation of this section or assign any agreement to make such contribution, or which imposes or requires such a contribution as condition of entering into or continuing in the employment of a mercantile establishment shall be guilty of a misdemeanor.

Enforcement.

SEC. 391 (as amended by chapter 642, Acts of 1921). 1. In cities the commissioner shall have jurisdiction to enforce the provisions of this chapter relating to mercantile establishments, business offices, telegraph offices, restaurants, hotels, apartment houses, theaters or other places of public amusement, bowling alleys, barber shops, shoe-polishing establishments, the distribution or transmission of merchandise, articles or messages, or the distribution or sale of articles. Elsewhere, such provisions shall be enforced by the board or department of health or health commissioners of the town or village affected thereby, who shall prosecute all violations thereof within sixty days after the alleged offense was committed.

2. All officers and members of such boards or departments, all health commissioners, inspectors, and other persons appointed or designated by such boards, departments, or commissioners may visit and inspect, at reasonable hours and when practicable and necessary, all mercantile or other establishments herein specified within the town or village for which they are appointed. No person shall interfere with or prevent any such officer from making such visitation and inspections, nor shall he be obstructed or injured while in the performance of his duties. All persons connected with any such mercantile or other establishment herein specified shall properly answer all questions asked by such officer or inspector with reference to any of the provisions of this article.

3. Except as otherwise provided the provisions of this chapter relating to the establishments, employments, and occupations specified in subdivision one of this section, except as therein otherwise specified, shall apply only to villages which at the last preceding State enumeration had a population of three thousand or more.

ARTICLE XV.

Mines, tunnels,
and quarries.

SECTION 400. Every operator opening a new shaft, incline, tunnel, or quarry shall report its location and the name of its owner to the commissioner before the excavation reaches a depth of twenty-five feet.

Notice.

SEC. 401. Every operator abandoning or permanently discontinuing any shaft, incline, tunnel, or quarry shall immediately notify the commissioner of such abandonment or discontinuance.

Blasting.

SEC. 402. When high explosives other than gunpowder are used in a mine, tunnel, or quarry, the manner of storing, keeping, moving, charging and firing, or in any manner using such explosives, shall be in accordance with the rules prescribed by the board. In charging holes for blasting, in slate, rock, or ore in any mine, tunnel, or quarry, every iron or steel bar used for tamping shall have a tip of copper or other soft material at least six inches long. The superintendent, or person in charge, shall assign to the work of blasting only such persons as are qualified to perform such work safely. He shall give timely notice of every blast to every person in danger thereof. An electric current

used to explode a blast shall not exceed two hundred and fifty volts.

Sec. 403. No powder or oils shall be stored in any mine, tunnel, or quarry, or in or around any shaft, engine or boiler house. All inflammable or destructive supplies shall be stored at safe distances from mine or tunnel openings. Inflammable supplies.

Sec. 404. Every mine, tunnel, or quarry with more than twenty-five employees shall maintain a washroom properly heated and equipped and accessible to its employees. Washrooms.

Sec. 410. No person shall ride upon, or be permitted to ride upon, any loaded car, cage, or bucket into or out of any mine or tunnel in process of construction. Riding on vehicles.

Sec. 411. The commissioner may require that a mine operating through either a vertical or inclined shaft, or a horizontal tunnel, shall have not less than two outlets, at least one hundred and fifty feet apart, as a condition precedent to employment of any person in the mine. The subterranean workings shall connect such outlets with each other. They shall at all times provide safe and separate passage between the subterranean workings and the surface. Ingress and egress.

Sec. 412. Every steam boiler used in mining or tunneling operations shall be kept in good order and shall be inspected once in six months by a competent person approved by the commissioner. Certificates showing the results of such inspection shall be filed in the mine or tunnel office and in the office of the department. Boilers.

Every such steam boiler or battery of steam boilers shall have proper safety valves and steam and water gauges. Steam pipes connecting with engines shall have gauges so placed that the engineers can readily ascertain the pressure.

Sec. 413. Every engine, brake, cage, bucket, rope, and chain shall be kept in good order and shall be inspected daily. Every lift, hoist, rope, and other mechanical device shall be capable of sustaining the weight intended to be borne by it, in accordance with factors of safety generally accepted by competent engineers. Every car and lift shall have a safety brake. No hoisting rope shall be subjected to a load heavier than one-fifth of the weight it can sustain without breaking. Hoists.

Sec. 414. At necessary points traveling ways shall be cut out around the sides and bottom of each mine shaft to afford passage from side to side without crossing the shaft under or above the cage or hoist. Each such traveling way shall be at least five feet high and three feet wide. Ways around shafts.

Sec. 415. Every underground working over forty feet deep shall have a proper head house and proper trap doors. Head house and trap doors.

Sec. 416. The roofs and sides of each passageway and working place in every mine and tunnel shall be properly timbered and shall be kept secure. No person shall work in an unsafe place except to make it safe. Timbering.

Sec. 417. An air current sufficient to remove smoke and noxious gases and to insure the safety of every employee shall be conducted along every passageway and working place. Ventilation.

Sec. 425. The term "pressure" means gauge air pressure in pounds per square inch. Compressed air.

Sec. 426. Every employer of persons for work in compressed air shall— Equipment.

1. Connect at least two air pipes with the working chamber and keep such pipes in perfect working condition;

2. Attach to the working chamber in accessible positions all instruments necessary to show its pressure and keep such instruments in charge of competent persons, with a period of duty for each such person not exceeding eight hours in any twenty-four;

3. Place in each shaft a safe ladder extending its entire length;

4. Light properly and keep clear each passageway;

5. Provide independent lighting systems for the working chamber and shaft leading to it, when electricity is used for lighting;

6. Guard lights other than electric lights;

7. Protect workmen by a shield erected in the working chamber when such chamber is less than ten feet long and is suspended with more than nine feet space between its deck and the bottom of the excavation;

8. Provide for and keep accessible to employees working in compressed air a dressing room heated, lighted, and ventilated properly and supplied with benches, lockers, sanitary water-closets, bathing facilities, and hot and cold water;

9. Establish and maintain a medical lock properly heated, lighted, ventilated, and supplied with medicines and surgical implements, when the maximum air pressure exceeds seventeen pounds.

Medical officers. Sec. 427. Every employer of persons for work in compressed air shall:

1. Keep at the place of work at all necessary times one or more duly qualified medical officers to care for cases of illness and to strictly administer and enforce sections four hundred and twenty-six, four hundred and twenty-eight, and four hundred and twenty-nine.

Nurses. 2. Keep at a medical lock required by subdivision nine of section four hundred and twenty-six a certified nurse selected by the medical officer or officers required by subdivision one of this section and qualified to give temporary relief in cases of illness.

Physical examinations. Sec. 428. If an employee is a new employee, an absentee for ten or more successive days, an employee who has worked in compressed air continuously for three months, or a beginner in compressed air who has worked but a single shift as required by section four hundred and thirty, the officer or officers required by subdivision one of section four hundred and twenty-seven shall examine him and declare him physically fit to work in compressed air before permitting him to enter or reenter the working chamber.

Intoxicants. Sec. 429. Excessive users of intoxicants shall not be permitted to work in compressed air.

Shifts and intervals. Sec. 430. The working time in any twenty-four hours shall be divided into two shifts under compressed air with an interval in open air. Persons who have not previously worked in compressed air shall work therein but one shift during the first twenty-four hours. No person shall be subjected to pressure exceeding fifty pounds except in emergency. The maximum number of hours, to each shift and minimum open air interval between the shifts during any twenty-four hours for any pressure, as given in columns one and two of the following table, shall be as set opposite such pressure in columns three, four, five, and six:

SHIFTS AND INTERVALS OF WORK FOR EACH TWENTY-FOUR HOUR PERIOD.

| Pressure. | | Hours. | | | |
|---------------------------|---------------------------|-----------------|--|------------------------------------|---|
| Column 1. | Column 2. | Column 3. | Column 4. | Column 5. | Column 6. |
| Minimum number of pounds. | Maximum number of pounds. | Maximum total. | Maximum first shift in compressed air. | Minimum rest interval in open air. | Maximum second shift in compressed air. |
| 14 $\frac{7}{8}$ | 21 | 8 | 4 | $\frac{3}{2}$ | 4 |
| 21 | 30 | 6 | 3 | 1 | 3 |
| 30 | 35 | 4 | 2 | 2 | 2 |
| 35 | 40 | 3 | 1 $\frac{1}{2}$ | 3 | 1 $\frac{1}{2}$ |
| 40 | 45 | 2 | 1 | 4 | 1 |
| 45 | 50 | 1 $\frac{1}{2}$ | $\frac{3}{4}$ | 5 | $\frac{3}{4}$ |

The employer may determine the time of each shift when the pressure is less than twenty-one pounds, provided that the total for the two shifts does not exceed eight hours.

SEC. 431. The employer or person in charge shall not permit any person to pass from compressed air to normal pressure without passing through an intermediate lock or stage of decompression. For tunnels, the rate of such decompression shall be three pounds every two minutes when the pressure is thirty-six pounds or less and one pound every minute when the pressure exceeds thirty-six pounds. For caissons, the rate for any pressure, as given in columns one and two of the following table, shall be as set opposite such pressure in column three:

DECOMPRESSION.

| Pressure. | | Rate. |
|---------------------------|---------------------------|----------------------------|
| Minimum number of pounds. | Maximum number of pounds. | Minimum number of minutes. |
| | 10 | 1 |
| | 15 | 2 |
| | 20 | 5 |
| | 25 | 10 |
| | 30 | 12 |
| | 36 | 15 |
| | 40 | 20 |
| | 50 | 25 |

SEC. 435. Except as otherwise provided, the owner, agent, lessee, manager, operator, and superintendent shall be responsible for the observance of the provisions of this article.

SEC. 436. Violation of or noncompliance with any provision of this article shall be a misdemeanor punishable by a fine of not less than two hundred and fifty dollars or by imprisonment for one year or by both.

SEC. 437. The commissioner may serve a written notice upon the owner, agent, manager, or lessee of a mine or tunnel requiring him to comply with a specific provision of this article. The commissioner shall begin an action in the supreme court to enforce compliance with such provision, and upon such notice as the court directs an order may be granted restraining the working of such mine or tunnel during such time as may be therein specified.

ARTICLE XVI.

SECTION 450. 1. This article shall apply to the manufacture, possession, storage, transportation, sale, or gift of explosives as defined in subdivision one of section four hundred and fifty-one.

* * * * *

[As indicated by the foregoing, this article relates rather to the subject of public safety than to that of the employment relation; it is therefore not reproduced here.]

ARTICLE XVII.

SECTION 470. This act shall be construed as a continuation of chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the Consolidated Laws," as amended, and not as a new enactment.

SEC. 471. * * * The department of labor, the industrial commissioner, and the industrial board, subject to the provisions of this chapter as to the distribution of functions, shall succeed to all the rights, powers, duties, and obligations of the department of labor and the State industrial commission, as heretofore constituted.

SEC. 472. This chapter shall not affect pending actions or proceedings, civil or criminal, brought by or against the State indus-

trial commission, but the same may be prosecuted or defended in the same manner and with the same effect as if this act had not been passed by the industrial commissioner if the subject matter of the action or proceeding falls within his jurisdiction and otherwise by the industrial board. A rule, regulation, order, permit, or license of the industrial commission in force when this chapter takes effect shall continue in force until such rule, regulation, or order be amended or repealed or such permit or license revoked or terminated pursuant to law.

Laws repealed. SEC. 474. Chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the Consolidated Laws," as amended, is hereby repealed.

Became a law March 9, 1921.

CHAPTER 68.—*Labor Law—Violations.*

Amendments. [This act merely makes verbal changes in sections 1270, 1271, 1275, 1276, and 1277 of the Penal Law, to conform to the terminology and section numbering of chapter 50, Acts of 1921.]

CHAPTER 121.—*Liability of employers for injuries to employees.*

Act reproduced. [This act reenacts without change the earlier law on the subject, art. 14 (secs. 200-204) of chapter 31, Consolidated Laws. It also reproduces the elective compensation law of 1910 (ch. 352), which is said by the industrial commissioner to be obsolete.]

CHAPTER 179.—*Railroads—Construction of coal jimmies and caboose cars.*

Time limit. [This act merely extends for another year (to July 1, 1922) the time of taking effect of the second paragraph of section 78 of chapter 49 of the Consolidated Laws.]

CHAPTER 290.—*Railroads—Sufficient crews for trains.*

Baggageman. [This act amends section 54-a of chapter 49 of the Consolidated Laws, added by chapter 146, Acts of 1913, by requiring a baggageman only on trains actually carrying baggage, and not merely if the train has a baggage car or compartment.]

CHAPTER 361.—*Stock for employees of a corporation.*

[This act amends section 62-a, chapter 59, of the Consolidated Laws, added by chapter 308, Acts of 1919, as amended by chapter 45, Acts of 1921. It now reads as follows:]

Issue of stock. SECTION 62-a. Any corporation may with the consent of the stockholders either under such restrictions as they shall impose or upon such terms and for such consideration as they shall direct issue any part or all of its unissued stock or additional stock authorized pursuant to section twenty-two or section sixty-two of this chapter to employees of the corporation or to employees of a subsidiary corporation. * * *

CHAPTER 386.—*Employment of children—School attendance.*

[This act amends sections 601, 621, 624, 626, 627, 628, 630, and 631 of the Education Law, chapter 16 of the Consolidated Laws; repeals subdivisions 2 and 3 of section 130, sections 132 to 141, inclusive, and section 143 of the Labor Law, chapter 50, Acts of 1921; also amends sections 131, 144, and 145 of the Labor Law. The changes in the Labor Law are taken into account in its reproduction on pages 145 to 182.

Maximum age. Section 601 as amended by chapter 531, Acts of 1919, is amended in subdivision (h) by substituting seventeen for sixteen as the maximum age at which attendance at a part-time or continuation

school is required. The last clause, penalizing minors for non-attendance, is stricken out. Other amended sections of the Education Law involved are as follows:]

SEC. 621. Every child within the compulsory school ages as herein prescribed, in proper physical and mental condition to attend school, who resides in a city or school district having a population of four thousand five hundred or more and employing a superintendent of schools, shall regularly attend upon instruction for the entire time during which the schools of such city or district are in session as follows: Attendance required.

- a. Each child between seven and fourteen years of age.
- b. Each child between fourteen and sixteen years of age not regularly and lawfully employed.

2. Every such child, residing elsewhere than in a city or school district having a population of four thousand five hundred or more and employing a superintendent of schools, shall attend upon instruction during the entire time that the school in the district shall be in session, as follows:

- a. Each child between eight and fourteen years of age.
- b. Each child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service.

c. The period of which any such school shall be in session shall not be less than one hundred and eighty days of actual school.

* * * * *

SEC. 626. A. It shall be unlawful when attendance upon instruction is required to employ in any business or service whatever, Unlawful employment.

- 1. A child under fourteen years of age,
- 2. A minor included under the following subdivisions who does not at the time of such employment present an employment certificate issued according to law, namely:

- a. A minor between fourteen and sixteen years of age,
- b. After September first, nineteen hundred and twenty-five, in a city having a population of five thousand or more a minor between sixteen and seventeen years of age.

B. It shall be unlawful when attendance upon instruction is not required:

1. To employ in any business or service, except as hereinafter provided:

- a. A child under fourteen years of age.
- b. A minor between fourteen and sixteen years of age who does not at the time of such employment present a regular employment certificate or a vacation employment certificate issued according to law. A vacation employment certificate shall be valid, however, only for employment on days when attendance upon instruction is not required and only in or in connection with employment in a mercantile establishment or business office or in outdoor work.

2. To employ in the sale or distribution of newspapers, periodicals or magazines or to permit to be employed or engaged in such sale or distribution (a) a boy under twelve years of age; (b) a girl under sixteen years of age; (c) a boy between twelve and sixteen years of age who does not possess a newsboy permit badge issued according to law and not revoked. No such boy shall engage in or be employed in such sale or distribution before six o'clock in the morning nor after eight o'clock in the evening. Newsboys.

c. When attendance upon instruction is not required the provisions of this section shall not apply to the employment of children over twelve years of age in farm service or outdoor work not connected with or for a factory or other establishment specified in section one hundred and thirty of the Labor Law and not prohibited or regulated by any provisions of the Penal Law. Farm work.

d. Every person in parental relation to a child or minor subject to the provisions of this section shall cause such child or minor to comply therewith.

Certificates on file. SEC. 627. The employer of any minor between fourteen and seventeen years of age in a city or district shall keep and shall file in the place where such minor is employed, the employment certificate or vacation employment certificate of the minor if such minor is required to obtain such an employment certificate under the provisions of section six hundred and twenty-six of this chapter. Upon the termination of employment of any such minor the employer shall return by mail within three days the employment certificate or the vacation employment certificate to the employment certifying officer.

Violations. SEC. 628. 1. Any person, firm, or corporation or any officer, manager, superintendent or employee acting therefor who shall employ any child or minor contrary to the provisions of sections six hundred and twenty-six and six hundred and twenty-seven hereof, and any person in parental relation to a child or minor included by the provisions of such section who does not cause him to comply with such provisions shall be guilty of a misdemeanor and the punishment therefor shall be for a first offense of a fine of not more than fifty dollars; or by imprisonment for not less than ten days; for a second and each subsequent offense, a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment. A prosecution instituted under this section shall be deemed a bar to any action at prosecution under the provisions of any other statute based on the same state of facts.

2. In case, however, the person in parental relation to such a child or minor establishes to the satisfaction of the court that the child or minor is beyond his control, such child or minor in the discretion of the school authorities may be proceeded against for violation of this act.

Enforcement. 3. Attendance officers who are hereby vested with the powers of peace officers for the purpose shall enforce the provisions of section six hundred and twenty-six of this chapter.

School record certificate. SEC. 630. 1. A school record certificate shall be issued to a minor entitled thereto as follows: a. To a minor between fourteen and fifteen years of age who is a graduate of a public elementary school or parochial school or other school in which the subjects enumerated in section six hundred and twenty of this chapter are taught as therein required or who holds a preacademic certificate issued by the regents and who has attended upon lawful instruction for not less than one hundred and thirty days in any of the following periods of twelve months: (1) That between his thirteenth and fourteenth birthdays; (2) That next preceding graduation; (3) That next preceding his application for the certificate.

b. To a minor between fifteen and sixteen years of age who has completed the work prescribed for the first six years of the course of study of a public elementary school, or a parochial school, or a school of equal rank in which the subjects enumerated in section six hundred and twenty of this chapter are taught as therein required and who has attended upon lawful instruction in the twelve months between his thirteenth and fourteenth birthdays or in the twelve months next preceding his application for said certificate for not less than one hundred and thirty days.

c. To a minor between sixteen and seventeen years of age irrespective of his educational attainments and attendance upon instruction.

d. Any portion of the one hundred and thirty days' attendance required for the issuance of a school record certificate lacking at the time application for its issuance is made shall, if made up by regular attendance within ninety days thereafter, be regarded as attendance within the prescribed period.

2. The person issuing a school record certificate shall certify the date of birth of the minor, his place of residence, the names of the persons in parental relation to the minor and the other appropriate facts set forth in items a and b of subdivision one of

this section as shown by the school records; but in the case of a minor between sixteen and seventeen years of age, he shall then certify under those items the grade or class reached by the minor; if, however, such a minor is not in attendance upon instruction, or if this and other required information is not readily obtainable then thereupon issuing the school record certificate shall certify the same facts as determined to the best of his ability.

3. School record certificate shall be issued only by the following persons:

Who to issue.

a. In a city of the first class by the principal or chief executive officer of a school.

b. In a city or school district having a population of four thousand five hundred or more and employing a superintendent of schools, by the superintendent of schools.

c. In all other school districts by the principal teacher of the school.

d. During the months of July and August, and at other times in extraordinary and emergency circumstances by one or more public school officials deputized in writing by the superintendent of schools. The school record certificate shall be granted on demand to any minor lawfully entitled thereto.

SEC. 631. 1. Employment certificates, vacation employment certificates, and newsboy permit badges shall be issued only by the following officials: In cities and school districts having a population of four thousand five hundred or more by the superintendent of schools; elsewhere by the district superintendents: *Provided*, That the superintendent of schools or district superintendent may authorize and deputize in writing one or more public school officials other than attendance officers to act in his stead as employment certifying officers in accordance with the regulations of the commissioner of education. The number of persons so deputized as employment certifying officers shall not exceed the proportion of one for each half million of the population or fraction thereof of a city or district.

Employment certificates.

2. An employment certificate shall be issued for a minor between fourteen and seventeen years of age who is entitled thereto in accordance with the following procedure:

(a) Such minor shall obtain a school record certificate from the principal or chief executive officer of the school which the minor attends or as otherwise provided.

(b) He shall present to the examining officer of the board or department of health, to be known as the age and health certifying officer, the application of the parent, school record certificate, evidence of age, and if the minor is between fourteen and sixteen years of age he shall also present the statement of the prospective employer and shall then obtain from the age and health certifying officer a certificate of physical fitness.

(c) He shall then present all the foregoing papers to the employment certifying officer who shall issue the employment certificate if such papers are found to be satisfactory.

3. The parent, guardian, or custodian of the minor shall make personal application for the issuance of a school record certificate. If between fourteen and sixteen years of age the minor shall obtain a statement signed by the prospective employer, or by his duly authorized representative, stating that he expects to give the minor present employment and setting forth the character of such employment, and the number of hours per day and per week which the minor will be employed.

Application.

4. The minor shall then present the papers prescribed in paragraph six of subdivision two of this section to the age and health certifying officer for examination and approval. When these papers have been approved, a medical officer of the board of health shall then make a thorough physical examination of the minor, and if the medical officer shall find that the child has reached the normal development of a child of his age, is in sound health and physi-

Physical examination.

cally fit to perform the work he intends to do, he shall then issue to the minor a certificate of physical fitness, stating these facts. If the minor be found to be physically unfit or if the proofs of age submitted by him be unsatisfactory, the age and health certifying officer shall reject the applicant and shall notify the employment certifying officer of this action and of the reason therefor and shall return the papers forthwith to such person.

Duty of certifying officer.

5. The minor shall then present the papers approved by the age and health certifying officer to the employment certifying officer, who shall examine, approve, and file the same. The employment certifying officer shall also test the minor, if he is under sixteen years of age, as to his ability to read and write correctly simple sentences in the English language and shall, after making such examination, sign and file in his office a statement that the minor can read and write correctly simple sentences in the English language, together with the sentences written by such minor, constituting the test so given. If the papers enumerated above are approved, and if the minor who is under sixteen years of age shows that he is able to read and write correctly simple sentences in the English language, the employment certifying officer shall then issue to the minor an employment certificate. If these papers are not approved or if the minor who is under sixteen years of age is unable to read and write correctly simple sentences in the English language, the employment certifying officer shall reject the applicant and notify the person issuing the school record certificate, stating the reason therefor, and shall return the school record certificate to the person who issued it.

Minor to sign.

6. An employment certificate shall be signed in the presence of the officer issuing the certificate by the minor for whom it is issued.

Nature of work.

It shall also contain the name and address of the prospective employer and shall state the nature of the work which the minor expects to perform and it shall be valid only in the hands of the employer therein named. Any employed minor between fourteen and seventeen years of age required to obtain an employment certificate and who is seeking new employment shall obtain a new employment certificate and shall be entitled thereto upon the return to the employment certifying officer of the old employment certificate and if the minor is between fourteen and sixteen years of age upon the presentation to such officer of a statement from the prospective employer as hereinbefore provided.

New employment.

Evidence of age.

7. The evidence of age shall show that the child is at least the age required for the issuance of the school record certificate and such evidence shall be as follows:

a. A certificate transcript of the birth certificate filed according to law; a duly attested transcript of a certificate of baptism or a passport showing the date of birth of the child.

b. If the child appears to the age and health certifying officer to be of the required age and none of the papers mentioned in the preceding subdivision can be furnished but other satisfactory documentary evidence of age can be produced, such officer shall present to the board or department of health a statement signed by him showing such facts together with such evidence. The executive officer of the board or department of health may accept such documentary evidence as sufficient as to the age of such child and a record therefor shall be entered on the minutes of the board at its next meeting.

c. If the child appears to be of the required age, the age and health certifying officer may receive an application signed by the child's parent, guardian, or custodian for physicians' certificates as herein provided. The application shall be on file for not less than sixty days and shall contain: (1) The name, the place and date of birth and the present residence of the child; (2) such further facts as may aid in determining the child's age. If within such period no facts appear to contradict any material statement of such application, the officer shall direct the child to appear for physical examination before two physicians designated by the

board of health. If the physicians certify in writing that they have separately examined the child and that the child is at least of the required age, such certificate shall be sufficient evidence of age. If their opinions do not concur the child shall be examined by a third physician, and the concurring opinions shall be accepted as evidence of age.

d. The age and health certifying officer shall require evidence of age in the order designated in subdivision one of this section and shall not accept the evidence permitted by paragraph b or c of said subdivision unless he receives and files in addition an affidavit of the child's parent, guardian, or custodian, stating that no evidence specified in the preceding paragraph or paragraphs can be produced. Such affidavit shall contain the name, place and date of birth and residence of the child, and shall be acknowledged and sworn to before the age and health certifying officer, who shall not demand or receive any fee for administering the oath.

8. A medical officer of the board or department of health shall make a thorough physical examination of every child before the issuance of a certificate of physical fitness. He shall record the result and such other facts concerning the child's physical condition and history as the commissioner of education may require on blanks furnished by him and shall sign the record so made. Physical examination.

9. The requirements and procedure for the issuance of a vacation employment certificate shall be the same as those for the issuance of an employment certificate except that the minor shall not be required to obtain a school record certificate. A vacation employment certificate shall be valid only in the hands of the employer therein named. Vacation employment.

10. a. A newsboy permit badge shall be issued only on the personal application of the principal of the school the boy attends when the schools are in session and the certificate of such principal that the boy is of normal development and physically fit for such employment and is twelve years of age or upwards as shown by the school records, or if the schools are not in session upon the certification of the employment certifying officer. Such certificate shall be duly filed with the employment certifying officer. Newsboy badge.

b. The newsboy permit badge shall be conspicuously worn wherever the boy to whom it was issued is engaged in the work it authorizes him to do.

c. Such permit badge may be revoked for cause by the employment certifying officer.

11. Any person who makes a false statement in or in relation to any employment certificate as to any matters required by this act or in any affidavit, record, transcript, or certificate therein provided for, is guilty of an offense, punishable in each case by a fine of not more than one hundred dollars, or by imprisonment for not more than sixty days, or both such fine and imprisonment. Penalty.

12. The commissioner of education is hereby authorized to prescribe the form and contents of all certificates and newsboy permit badges required by this chapter. Forms, etc.

Became a law April 30, 1921.

CHAPTER 489.—*Labor Law—Definitions.*

[This act amends subdivision 9 of section 2, chapter 50, Acts of 1921. See the amended act.]

CHAPTER 647.—*Labor Law.*

[This act amends various sections of chapter 50, Acts of 1921. See the amended act.]

CHAPTER 671.—*Weekly day of rest.*

[This act amends subdivision 2 of section 161, chapter 50, Acts of 1921. See the amended act.]

NORTH CAROLINA.

ACTS OF 1921.

CHAPTER 131.—*Free public employment offices.*

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 is hereby erected in the department of labor and printing a free employment bureau. It shall be in charge of the commissioner of labor and printing, who shall appoint an assistant, whose duties shall be to supervise the work of said bureau and its branch offices, under the direction of the commissioner, and who shall receive an annual salary to be fixed by the commissioner of labor and printing, the governor, and the director-general of the United States Employment Service. There shall also be appointed in said bureau, by the commissioner of labor and printing, such assistants and other employees as are necessary to carry out the provisions of this act. Office estab-
lished.

SEC. 2. It shall be the duty of the commissioner of labor and printing, and he shall have the power, jurisdiction, and authority: Places.

(a) To establish and conduct free employment offices in the State where, in the opinion of the commissioner, such action may be deemed advisable and expedient; to in all proper ways within the limitations of this act to bring together employers seeking employees and applicants for employment seeking employers; to make known the opportunities for self-employment in the State; to devise and adopt the most efficient means to avoid unemployment; to cooperate with existing State and Federal agencies in extending vocational guidance to minors seeking employment.

(b) To establish and maintain such sections of the employment service as will best serve the public welfare.

SEC. 3. The employment bureau hereby created shall cooperate with the Federal Board for Vocational Education division for rehabilitation of crippled soldiers and sailors, in endeavoring to secure suitable employment and fair treatment of the veterans of the World War. Veterans.

SEC. 4. The employment bureau shall have jurisdiction over all matters contemplated in this act pertaining to securing employment for all minors who avail themselves of the free employment service; to so conduct its affairs that at all times it shall be in harmony with laws relating to child labor and compulsory education; to aid in inducing minors over sixteen, who can not or do not for various reasons attend day school, to undertake promising skilled employment; to aid in influencing minors who do not come within the purview of compulsory education laws, and who do not attend day school, to avail themselves of continuation or special courses in existing night schools, vocational schools, part-time schools, trade schools, business schools, library schools, university extension courses, etc., so as to become more skilled in such occupation or vocation to which they are respectively inclined or particularly adapted; to aid in securing vocational employment on farms for town and city boys who are interested in agricultural work, and particularly town and city high school boys who include agriculture as an elective study; to cooperate with various social agencies, schools, etc., in group organization of employed minors, particularly those of foreign parentage, in order to promote the development of real, practical Americanism through a broader knowledge of the duties of citizenship; to investigate methods of vocational rehabilitation of boys and girls who Minors.

are maimed or crippled, and ways and means for minimizing such handicap.

Information. SEC. 5. Said employment bureau shall make public, through the newspapers and other media, information as to situations it may have applicants to fill, and establish relations with employers for the purpose of supplying demands for labor. Said bureau shall collect, collate, and publish statistical and other information relating to the work under its jurisdiction; investigate economic developments, and the extent and causes of unemployment and remedies therefor within and without the State, with the view of preparing for the information of the General Assembly such facts as in its opinion may make further legislation desirable.

Corporation. SEC. 6. The commissioner of labor and printing is hereby authorized to enter into agreement with the governing authorities of any municipality, county, township, or school corporation in the State for such period of time as may be deemed desirable for the purpose of establishing and maintaining local free employment offices, and for the extension of vocational guidance to minors. The commissioner is likewise authorized, with the advice of the governor, to enter into such cooperative agreement as may be deemed desirable with the United States Employment Service, or such bureau of the United States Department of Labor as the secretary thereof may hereafter designate, or other Federal agency as Congress may hereafter authorize, for the purpose of securing financial aid from the United States Government for the establishment and maintenance of free employment service and the extension of vocational guidance to minors, and under and by virtue of any such agreement as aforesaid to pay, from any funds appropriated by the State for the purposes of this act, any part of the whole of the salaries, expenses or rent, maintenance, and equipment of offices and other expenses.

Gifts. SEC. 7. It shall be lawful for the commissioner of labor and printing to receive, accept, and use, in the name of the people of the State, or any community or municipal corporation, as the donor may designate, by gift or devise, any moneys, buildings, or real estate for the purpose of extending the benefits of this act, and for the purpose of giving assistance to deserving maimed or crippled boys and girls through vocational rehabilitation.

Municipal action. SEC. 8. It shall be lawful for the governing authorities of any municipality, county, township, or school corporation in the State to enter into cooperative agreement with the commissioner of labor and printing, and to appropriate and expend the necessary money, and to permit the use of public property for the joint establishment and maintenance of such offices as may be mutually agreed upon, and which will further the purpose of this act.

Appropriation. SEC. 9. For the purpose of carrying out the provisions of this act there is hereby appropriated out of the general funds of the State not otherwise appropriated the sum of ten thousand dollars per annum. Upon the certificate of the commissioner of labor and printing, the auditor is hereby directed to audit and the treasurer to pay expenses of said free employment service not exceeding the sum of ten thousand dollars (\$10,000) per annum.

Ratified this the 5th day of March, A. D. 1921.

CHAPTER 173.—*Factory, etc., regulations—Bakeries.*

Sanitation. SECTION 1. Every room or other place occupied or used as a bakery for the preparation, production, storage, or display of bread, cakes, or other bakery products intended for sale for human consumption, shall be clean, properly lighted, and ventilated. * * * Every such bakery shall be provided with adequate drainage and suitable wash sinks. If a toilet or water closet is maintained in connection with such bakery, it must be of sanitary construction, and such toilet or water closet shall be well ventilated and kept in a sanitary condition.

SEC. 3. No employee or other person shall sit or lie upon any of the tables, troughs, shelves, etc., which are used for the dough or other bakery products. Before beginning the work of preparing or mixing the ingredients, or after using toilet or water closet, every person engaged in the preparation or handling of bakery products shall wash the hands and arms thoroughly, and for this purpose sufficient wash basins or sinks, together with soap and clean towels, shall be provided by the bakery. Duty of employees.

SEC. 3a. No person shall use tobacco in any form in any bakery or bread manufacturing plant where bread or other bakery products are manufactured or stored. Use of tobacco.

Ratified this the 9th day of March, A. D. 1921.

NORTH DAKOTA.

ACTS OF 1921.

CHAPTER 29.—*Children's code commission.*

[This act creates a commission to be appointed by the governor, on nomination of various State associations and the State minimum wage department, "to study social conditions touching upon the welfare of children in the State of North Dakota, and to recommend necessary revision and codification of existing laws, and such new laws as may be found necessary." Duty.

A term of two years is contemplated, and the employment of a secretary at not more than \$2,000 per annum. For this salary and the expenses of the commission \$2,500 is appropriated.]

CHAPTER 42.—*Protection of employees on buildings.*

SECTION 1. All scaffolds, hoists, cranes, stays, ladders, supports, or other mechanical contrivances erected or constructed by any person, firm, or corporation in the State, for use in the erection, repairing, alteration, removal, or painting of any house, building, bridge, viaduct, steel tank, standpipe, or other structure shall be erected and constructed in a safe, suitable and proper manner, and shall be so erected and constructed, placed and operated as to give proper and adequate protection to life and limb of any person or persons employed or engaged thereon, or passing under or by the same, and in such manner as to prevent the falling of any material that may be used or deposited thereon. Scaffolding or staging swung or suspended from an overhead support more than twenty feet from the ground or floor shall have, where practicable, a safety rail properly secured and braced, rising at least thirty-four inches above the floor or main portion of such scaffolding or staging and extending along the entire length of the outside and ends thereto, and such scaffolding or staging shall be so fastened as to prevent the same swaying from the building or structure. Equipment to be safe.

SEC. 2. Any person engaged in and having supervision and charge of the building, erection or construction of any block, building or structure, who shall neglect or refuse to place or have placed upon the joists of each and every story of such block, building or structure, as soon as the joists are in position, counter floors of such quality and strength as to render perfectly safe the going to and fro thereon of all mechanics, laborers and other persons engaged upon the construction or in supervising the same, or in the building or placing of materials therefor, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court or [of] competent jurisdiction shall be fined in any sum not less than twenty-five dollars nor more than two hundred dollars, and each and every day that such person, contractor, agent, factor or architect shall neglect or refuse to have such floors so placed as aforesaid, after written notice by the building inspector or from any person whose life or personal safety may be endangered by such neglect or refusal, shall be held and considered a separate offense, severally liable to the penalties aforesaid. Scaffolding.

SEC. 3. Any contractor or other person having charge of the erection, construction, repairing, alteration, removal or painting of any building, bridge, viaduct, steel tank, standpipe or other structure, within the provisions of the two preceding sections, shall comply with the terms thereof, and any such contractor or other person violating any of the provisions of the two pre- Counter floors.

Compliance.

Violations.

ceding sections shall, upon conviction thereof, be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned for not less than thirty days nor more than one year, or both such fine and imprisonment, in the discretion of the court. In addition to the penalties (sic) herein provided, in the refusal or neglect of any person, firm or corporation, or his or its agents, to comply with the provisions of the two preceding sections, the use of any such scaffold, hoist, crane, stays, ladder, support, or other mechanical contrivance, or the erection, repairing, alteration, removal or painting of any building, bridge, viaduct, steel tank or other structure, may be prohibited by the labor commissioner, or inspector deputized by him, and a notice to that effect shall be posted upon the premises. Such notice shall not be removed until such scaffold, hoist, crane, stays, ladder, support or other mechanical contrivance or temporary floorings are properly and safely constructed.

Approved March 9, 1921.

CHAPTER 72.—*Exemption of wages from garnishment.*

SECTION 1. Section 7567 of the Compiled Laws of the State of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

Rights of creditors. Section 7567. Any creditor shall be entitled to proceed by garnishment in any court having jurisdiction of the subject of the action against any person, including a public corporation, who shall be indebted to or have any property whatever, real or personal, in his possession or under his control, belonging to such creditor's debtor, in the cases, upon the conditions and in the manner prescribed in this chapter. The term plaintiff is used in this chapter to embrace every judgment creditor and the term defendant a judgment debtor: *Provided*, That the wages or salary of any person who is the head of a family and a resident of this State to the amount of \$15 per week, shall be exempt from garnishment. Every employer shall pay to such person such exempt wages or salary not to exceed the sum of \$15 per week of each week's wages earned by him, when due, upon such wage earner making and delivering to such employer his affidavit that he is such head of a family and residing with the same in this State, notwithstanding the service of such writ, and the surplus only of such exempt salary or wages shall be held by the employer to abide the event of the garnishment suit. At least two days prior to the issuance of any garnishment summons the creditor shall cause demand to be served upon the debtor and the employer for the excess above the amount herein exempted. Such demand with proof of service shall be filed with the court at the time of the issuance of garnishment summons. Failure to serve or file said notice as herein provided shall render said garnishment void. The excess of wages over and above the amount herein exempted shall be held by the employer subject to such garnishment from the time of service of such demand and for five days thereafter.

Wages exempt.

Demand.

Approved February 18, 1921.

CHAPTER 100.—*Railroads—Construction, etc., of caboose cars.*

Act in effect. [This act amends section 2 of chapter 245, Acts of 1911 (sec. 4671, Compiled Laws of 1913), deferring the operation of the law to January 1, 1924, and adding after the word "trucks," the words, "the center sill of which car or caboose shall be constructed of steel."]

CHAPTER 102.—*Railroads—Engine curtains.*

Curtains to be supplied. SECTION 1. It shall be unlawful for any railroad company to use within the State on its line or lines any locomotive engine

not equipped with canvas curtains attached to back of cab and enclosing all opening between cab and tender of said engine. Said curtains to be of sufficient length to extend 18 inches below deck of cab. Side curtains to be fastened securely to back of cab, made to slide back to front end of tender and fastened thereto with hooks or other contrivances that enginemen can easily unfasten, so that all openings at step are entirely enclosed.

Back curtains to be fastened to back of cab and of sufficient length to reach over front end of tender so as to close any openings between side curtains and back curtains, so arranged as to slide back or roll up and may not be removed from locomotive.

Where open gates or boards are used on tender, a curtain shall be hung back of said coal gates or boards of sufficient width to cover openings at front of tender and reach to within 18 inches of floor of tender.

The front windows in cab, each side of cab, shall be equipped with "frost glass" in wintertime: *Provided, however,* That nothing in this act shall be so construed as to prohibit the passage of a locomotive engine not so equipped with suitable protecting curtains, moving under its own steam or electricity, either with or without a train, when such movement is from a point without this State through and to a point beyond its borders, or from a point without this State to a point within it, or from a point within this State to without it, if such passage is for the purpose of moving it to or from a repair shop or shops for the purpose of repairing such locomotive engine, and when it is not intended for service within this State.

Frost glass.

SEC. 2. All new locomotive engines placed in service, after this act shall take effect, shall be equipped with protecting curtains or other equally protective devices. As to all locomotive engines not actually in service, nor assigned to or held for such service, within this State, at the time of passage of this act, it shall take effect on and after the first day of January, nineteen hundred and twenty-two. As to any locomotive engine or engines in actual service, or assigned to and held for such service, within this State, when this act shall take effect, the same may be continued in service until it is necessary to withdraw it or them for general heavy repairs; and every locomotive so withdrawn from service for general heavy repairs shall be properly equipped with such protecting curtains or other equally protective devices before it shall be returned to service.

Act in effect.

SEC. 3. Any railroad corporation failing to comply with the provisions of this act, or violating said act, shall upon conviction be fined in the sum of one hundred dollars (\$100) for each engine thus operated without such appliances contrary to the provisions of this act.

Violations.

Approved March 9, 1921.

CHAPTER 115.—*Vocational rehabilitation—State and Federal cooperation.*

[This act accepts the Federal proposals, making the State board of administration the cooperating agent in behalf of the State. The board is also to cooperate with the workmen's compensation bureau of the State, and promote the establishment of schools, etc., needed to give the training required. The act makes no reference to an appropriation, nor does it contain the customary provision as to the receipt of gifts.]

Acceptance of act.

CHAPTER 117.—*Free public employment offices.*

SECTION 1. The State free employment service of the State of North Dakota is hereby established. The commissioner of agriculture and labor shall also be the executive officer of the State free employment service, and the management of such service shall be under his supervision. He shall have authority to ap-

Service established.

- Agents. point agents who shall be under the direction of said commissioner of agriculture and labor as may be required in carrying out the provision of this act, such agents being located at convenient points in the State for the handling of the movement of labor of all classes, with the view that labor will not be congested at any one point and to use their best endeavors to keep the supply of labor filled at the places where it is desired, and in reasonable time.
- 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, towns, or counties which desire such service, to use a portion of the fund provided by the State to assist in the 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.
- The commissioner of agriculture and labor in the capacity of head of the State free employment service is hereby empowered to employ such clerical assistants 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 movement of labor, registration and placements, and all reports required to be made to that end.
- Applications. SEC. 2. The agents in charge of any of the State free employment offices established under the provisions of this act, and under the direction of the commissioner of agriculture and labor, shall receive applications from those seeking employment and from those seeking employees and shall register every applicant on properly arranged cards or forms provided by the commissioner of agriculture and labor.
- Reports. SEC. 3. Each such agent shall make the commissioner of agriculture and labor 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.
- Advertising. SEC. 4. The commissioner of agriculture and labor shall have power to solicit business for the State free employment service, established under this act, by advertising in newspapers and in any other way he may deem expedient: *Provided*, That the expenditure under the provisions of this act shall not exceed ten per cent of the total expenditure.
- Fees. SEC. 5. No fees direct or indirect shall in any case be charged or received from those seeking the benefits of this act.
- Penalty. SEC. 6. 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 anyone seeking employment, or from anyone offering employment, under this act, shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100) 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.
- Notice of strike, etc. SEC. 7. An employer, or a representative of employers or employees, may file at a State free employment office a signed statement 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 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 State free employment service of a vacancy or vacancies, the agent in charge shall advise any applicant for such vacancy or vacancies of the statements posted.

SEC. 8. The commissioner of agriculture and labor is hereby authorized and empowered to cooperate with the Federal Government in the establishment and maintenance within the State of North Dakota of one or more employment bureaus for the purpose of bringing together the man and the job. Such cooperative employment bureaus, when established, shall be under the joint management of the cooperative parties, and the cost and expense of establishing and of carrying on any such bureau shall be borne by the cooperative parties upon an equitable basis to be agreed upon between them.

Cooperation.

SEC. 9. There is hereby appropriated for the purpose of this act out of any moneys in the State treasury not otherwise appropriated, the sum of ten thousand dollars (\$10,000), or as much thereof as may be necessary to carry out the provisions of this act.

Appropriation.

Approved March 9, 1921.

CHAPTER 137.—*Labor organizations—Union label.*

SECTION 1. It shall be unlawful for any person or corporation to wear or use the emblem adopted by or representing any labor union of this State unless such person or corporation is entitled to wear or use such emblem under the rules of the union which said emblem represents.

Unauthorized use.

SEC. 2. "Emblem" is herein defined in this act to mean button, watch fob, design, devise [sic], trademark, label, shop card, or form of advertisement indicating membership in any labor organization.

Definition.

SEC. 3. Any person or corporation violating the provisions of this act shall be punishable by imprisonment in the county jail for a term not to exceed thirty days, or by a fine not to exceed \$50 or by both such fine and imprisonment.

Penalty.

Approved February 18, 1921.

OHIO.

ACTS OF 1921.

Coal mine inspectors.

(Page 20.)

SECTION 1. Repealed section 900 of the General Code [shall] be so reenacted and amended as to read as follows:

Sec. 900. The industrial commission of Ohio shall appoint, with the approval of the governor, and upon recommendation of the chief deputy of the division of mines and mining, five district inspectors of mines in addition to those now in such service, making in all the number of district inspectors of mines seventeen.

Additional inspectors.

Approved February 28, 1921.

Mine regulations—Wash rooms.

(Page 22.)

[This act amends section 934-1 of the General Code, added by act, page 60, Acts of 1919, by setting 10 as the minimum number of persons employed to call for the installation of a wash room, instead of 5 as formerly. Section 934-1a is added, providing a fine of from \$200 to \$500 for violation of the statute.]

When required.

Mine regulations—Telephone system.

(Page 48.)

SECTION 1. Section 934 of the General Code [shall] be supplemented by the enactment of sections 934-2 and 934-3 of the General Code, to read as follows:

Sec. 934-2. Every owner, operator, lessee, or agent of a coal mine, where twenty or more persons are employed, shall install, and maintain in efficient working condition, a telephone connecting each main switch of such mine with an outside telephone so connected and maintained as to permit communication with persons outside of the mine with persons on the main switch or switches or other points inside of the mine that may be designated by the district mine inspector.

When required.

Sec. 934-3. Whoever, being the owner, operator, lessee or agent of a coal mine, where twenty or more persons are employed, fails or neglects, after six months from the taking effect of this act, to comply with the provisions of section 934-2 of the General Code, or violates any of the provisions thereof, shall be fined not less than two hundred nor more than one thousand dollars.

Violations.

Approved March 22, 1921.

Administrative code—Department of industrial relations, etc.

(Page 105.)

SECTION 154-3. The following administrative departments are created:

* * * * *
The department of industrial relations, which shall be administered by the director of industrial relations, hereby created.

Department created.

* * * * *
The director of each department shall, subject to the provisions of this chapter, exercise the powers and perform the duties vested by law in such department.

Director.

- Appointment.** SEC. 154-4. Each director whose office is created by section 154-3 of the General Code shall be appointed by the governor by and with the advice and consent of the senate, and shall hold his office during the pleasure of the governor.
- Assistant.** SEC. 154-5. In each department there shall be an assistant director, who shall be designated by the director to fill one of the offices within such department, enumerated in section 154-6 of the General Code, or as the head of one of the divisions created within such department as authorized by section 154-8 of the General Code. When a vacancy occurs in the office of director of any department, the assistant director thereof shall act as director of the department until such vacancy is filled.
- SEC. 154-6. Offices are created within the several departments as follows:
- * * * * *
- Divisions.** In the department of industrial relations chiefs of divisions as follows:
- Factory inspection.
 - Labor statistics.
 - Mines.
- * * * * *
- Appointment of officers.** SEC. 154-7. The officers mentioned in sections 154-5 and 154-6 of the General Code shall be appointed by the director of the department in which their offices are respectively created, and shall hold office during the pleasure of such director.
- Duties.** SEC. 154-8. The officers mentioned in sections 154-5 and 154-6 of the General Code shall be under the direction, supervision, and control of the directors of their respective departments, and shall perform such duties as such directors shall prescribe.
- * * * * *
- Advisory boards.** SEC. 154-15. The director of each department may, with the approval of the governor, establish and appoint advisory boards to aid in the conduct of the work of his department or any division or divisions thereof. Such advisory boards shall exercise no administrative function, and their members shall receive no compensation, but may receive their actual and necessary expenses.
- Entire time to be given.** SEC. 154-16. Each officer whose office is created by sections 154-3, 154-5, and 154-6 of the General Code shall devote his entire time to the duties of his office, and shall hold no other office or position of profit. In addition to his salary provided by law, each such officer and each member of the boards and commissions in the departments created by this chapter shall be entitled to his actual and necessary expenses incurred in the performance of his official duties.
- Expenses.**
- Offices.** SEC. 154-17. Each department shall maintain a central office in the city of Columbus. The director of each department may, in his discretion and with the approval of the governor, establish and maintain, at places other than the seat of government, branch offices for the conduct of any one or more functions of his department.
- Hours of labor.** SEC. 154-20. All employees in the several departments shall render not less than eight hours of labor each day, Saturday afternoons, Sundays and days declared by law to be holidays excepted in cases in which, in the judgment of the director, the public service will not thereby be impaired.
- Leave of absence.** Each employee in the several departments shall be entitled during each calendar year to fourteen days' leave of absence with full pay. In special and meritorious cases where to limit the annual leave to fourteen days in any one calendar year would work peculiar hardship, it may, in the discretion of the director of the department, be extended. No employee in the several departments, employed at a fixed compensation, shall be paid for any extra services, unless expressly authorized by law.
- Duties.** SEC. 154-45. The department of industrial relations shall have all powers and perform all duties vested by law in the industrial commission of Ohio, excepting the following:

Those powers and duties of the commission which it exercises as successor of the State liability board of awards, the State board of arbitration, the board of boiler rules, and in the investigation, ascertainment and determination of standards, devices, safeguards, and means of protection, being all powers and duties mentioned in paragraphs 3 to 8, both inclusive, of section 871-22 of the General Code, sections 871-23, 871-26, 871-27, 871-28, 871-30, 871-32, 871-33, 871-34 and 871-35, sections 1058-8 to 1058-12, both inclusive, 1058-16, 1063, to 1077, both inclusive, and sections 1465-37 to 1465-108, both inclusive, of the General Code, and the powers of the commission as successor of the board of boiler rules under section 1058-18 of the General Code, which shall continue to be exercised and performed by the Industrial Commission of Ohio in the manner provided by law for the exercise of such powers and the performance of such duties.

The Industrial Commission of Ohio shall be a part of the department of industrial relations for administrative purposes in the following respects: The director of industrial relations shall be ex officio the secretary of said commission, shall succeed to and perform all of the duties of the secretary of said commission, and shall exercise all powers of said secretary as provided by law; but such director may designate any employee of the department as acting secretary to perform the duties and exercise the powers of secretary of the commission. All clerical, inspection and other agencies for the execution of the powers and duties vested in the said industrial commission shall be deemed to be in the department of industrial relations, and the employees thereof shall be deemed to be employees of said department and shall have and exercise all authority vested by law in the employees of such commission. But the industrial commission of Ohio shall have direct supervision and control over, and power of appointment and removal of, such employees whose position shall be designated by the governor as fully subject to the authority of such commission.

Industrial commission.

The commission may appoint advisers, who shall without compensation assist the commission in the execution of the powers and duties retained by it under this section.

Advisers.

Sec. 2250. The annual salaries of the appointive State officers and employees herein enumerated shall be as follows:

Salaries.

- * * * * *
- Department of industrial relations:
- Director of industrial relations, six thousand five hundred dollars.
- Chief of division of factory inspection, three thousand six hundred dollars.
- Chief of division of labor statistics, three thousand dollars.
- Chief of division of mines, three thousand six hundred dollars.
- * * * * *

Approved April 26, 1921.

Street and interurban railways—Safety appliances.

(Page 142.)

SECTION 1. Section 9149-1 of the General Code [shall] be amended to read as follows:

Sec. 9149-1. From and after January 1, 1924, it shall be unlawful in the State of Ohio, for any corporation, company, person, or persons owning or controlling the same, to operate, use, or run or permit to be run, used, or operated for carrying passengers or freight on an urban or interurban railroad or street-car line, any car propelled by electricity, or any car, cars, or train of cars drawn by any car or cars propelled by electricity not equipped, in addition to the hand brake in use on such car, cars, or train of cars with an air or electric power brake so that the same can be

Power brakes.

operated and controlled by the motorman in charge of and operating such car, cars, or train of cars.

It shall be the duty of the public utilities commission of Ohio to enforce this act.

[Section 9149-2 (providing penalties for violation) is repealed.]

Approved May 4, 1921.

Railroads—Injuring appliances.

(Page 143.)

- Safety device.** SECTION 1. It shall be unlawful for any person to injure, destroy, or interfere in any manner with the proper and efficient operation of any brake, air brake, coupler, grab iron, handhold, drawbar, or any other safety device used on any common carrier, or to steal, remove, injure, destroy, or otherwise interfere with any part of any engine, car, or safety device used by any common carrier, in such manner as to cause danger to life and property in the operation of such engine, car, or device.
- Signaling device.** SEC. 2. It shall be unlawful for any person to injure or destroy any signal wire, light, telephone, telegraph, or other device for signaling in use by any common carrier, or any other apparatus connected with the same, or to tamper with the same in any manner, and it shall be unlawful for any person in charge of or operating any such signaling device to give any signals with any such device with intent to bring any railway employee, engine, or train into danger.
- Penalty.** SEC. 3. Whoever violates any provision of this act or, being a manager or owner of any such common carrier, shall knowingly order or permit any violation of this act shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars, to which may be added imprisonment for not less than thirty days nor more than six months.

Approved May 4, 1921.

Vocational rehabilitation—State and Federal cooperation.

(Page 310.)

[This act embodies the standard provisions of the laws of the various States on this subject. No appropriation is made, but the act engages to comply with the terms of the Federal statute. See pages 37, 38.]

Employment of children—General provisions.

(Page 376.)

[This act amends and adds to the laws on the employment of children and on school attendance. The provisions affecting employment are as follows:]

- Part-time schools.** SECTION 7647-1. The board of education of any school district may establish and maintain part-time schools or classes for the further education of children who are employed on age and schooling certificates. Such schools and classes shall be conducted not fewer than four hours per week while in session, and for not fewer than one hundred forty-four hours per calendar year between the hours of seven in the morning and six in the afternoon, excluding Saturday afternoon and Sunday. Such schools and classes shall be conducted under such standards as the superintendent of public instruction may prescribe. Boards of education shall have power to provide for the expense of such schools and classes the same as for the expense of ordinary elementary schools.
- Attendance required.** SEC. 7762-5. All parents, guardians, and other persons who have the care of children who are employed on age and schooling certificates shall cause them to attend a part-time day school or class

for the full time that the school or class is in session whenever such part-time school or class shall have been established and is accessible to the child in the district where the child resides or is employed, unless the superintendent of schools determines that a given child has already completed the same work as or work equivalent to that taken up in such part-time schools or classes as may be available for the child to attend or that the bodily or mental condition of the child does not permit of his attendance at such school or class.

Such attendance shall begin within the first week of the school term or within one week after an age and schooling certificate is issued to a child.

If a child resides in one school district and is employed in another he shall be under the jurisdiction of the district in which he is employed for the purpose of this section and section 7767, General Code, unless by written excuse the superintendent of schools releases him to the jurisdiction of the district in which he resides.

SEC. 7765. No minor of compulsory school age [six to eighteen years] shall be employed or be in the employment of any person, company, or corporation unless such minor presents to such person, company, or corporation the proper age and schooling certificate, or age and preemployment card as a condition of employment. Such employer shall keep the same on file in the establishment where such minor is employed or in the office of the business or in the residence in or about which such minor is employed for inspection by attendance officers, probation officers, the superintendent of schools, or inspectors or other employees of the industrial commission or the board of State charities of Ohio or representatives of the district board of health or State department of health.

Age and schooling certificate.

Such certificate or an average certificate or age and preemployment card shall be conclusive evidence for such employer of the age of such minor and, so long as in force, of the employer's right to employ such minor and the minor's right to engage in such occupations as are not denied by law to minors of the age and sex stated in such certificate, except that a limited or special certificate is confined to particular employments.

Notice to the school authorities that the child has left the employ of an employer shall render void from that date the age and schooling certificate or age and preemployment card filed with such employer, in so far as it shall permit the further employment of such child.

SEC. 7765-1. The parent or guardian of a child of compulsory school age shall be required to secure and keep on file the proper age and schooling certificate of his child or ward if such child or ward is employed by him and shall be required to return such certificate as provided in section 7766-1, General Code, but a parent or guardian shall not be required to secure and keep on file a special or vacation certificate of his child or ward that such child or ward may be employed by him personally when school is not in session.

Parent as employer.

SEC. 7765-2. Notwithstanding the provisions of sections 7765 and 12993, General Code, a child may be employed in irregular service not forbidden by sections 13001, 13002, or 13007-3, General Code, without holding an age and schooling certificate.

No certificate when.

Irregular service shall be interpreted to mean service not forbidden by Federal child-labor laws which (a) does not involve confinement, (b) does not require continuous physical strain, (c) is interrupted with rest or recreation periods, and (d) does not require more than four hours of work in any day or twenty-four hours in any week. The health commissioner of the district in which employment is afforded to any child shall determine whether the employment involves confinement or requires continuous physical strain so that it can not be deemed irregular service within the meaning of this section.

SEC. 7766. An age and schooling certificate may be issued only by the superintendent of schools and only upon satisfactory proof

Issue.

that the child to whom the certificate is issued is over sixteen years of age and has satisfactorily passed a test for the completion of the work of the seventh grade: *Provided*, That residents of other States who work in Ohio must qualify as aforesaid with the proper school authority in the school district in which the establishment is located, as a condition of employment or service.

Any such age and schooling certificate may be issued only upon satisfactory proof that the employment contemplated by the child is not prohibited by any law regulating the employment of such children; and when the employer of any minor for whom such age and schooling certificate shall have been issued shall keep such age and schooling certificate on file as provided by law, the provisions of section 6245-2, General Code, shall not apply to such employer in respect to such child while engaged in an employment legal for a child of the given sex and of the age stated therein.

Age and schooling certificate forms shall be formulated by the superintendent of public instruction and except in cases otherwise specified by law must be printed on white paper. Every such certificate must be signed in the presence of the officer issuing it by the child in whose name it is issued. Blank certificates shall be furnished by the superintendent of public instruction upon request.

Evidence.

Sec. 7766-1. The superintendent of schools shall not issue such certificate until he has received, examined, approved, and filed the following papers, duly executed:

(1) The written pledge or promise of the person, partnership, or corporation to legally employ the child, to permit him to attend school as provided in section 7767, General Code, and to return to the superintendent of schools the age and schooling certificate of the child or give notice of the nonuse thereof within two days from the date of the child's withdrawal or dismissal from the service of that person, partnership, or corporation, giving the reasons for such withdrawal or dismissal.

(2) The school record of the child, properly filled out and signed by the person in charge of the school which the child last attended, giving the recorded age of the child, his address, standing in studies, rating in conduct, and attendance in days during the school year of his last attendance, and if that was not a full year, during the preceding school year.

(3) Evidence of the age of the child as follows:

Age.

(a) The birth certificate of the child (or duly attested transcript thereof) issued near the date of the birth of the child by the registrar of vital statistics of Ohio, or by a similar officer charged with the duty of recording births in another State or country, shall be conclusive evidence of the age of the child.

(b) In the absence of such certificate, a passport (or duly attested transcript thereof) showing the date and place of birth of the child, filed with a register of passports at a port of entry of the United States; or a duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of the child, shall be conclusive evidence of the age of the child.

(c) In case no one of the above proofs of age can be produced, other documentary evidence (except the affidavit of the parent, guardian or custodian) satisfactory to the superintendent of schools may be accepted in lieu thereof.

(d) In case no documentary proof of age can be procured, the superintendent may receive and file an application signed by the parent, guardian, or custodian of the child that a physician's certificate be secured to establish the sufficiency of the age of the child. Such application shall state the alleged age of the child, the place and date of birth, his present residence, and such further facts as may be of assistance in determining the age of the child, and shall certify that the person signing the application is unable to obtain any of the documentary proofs specified in (a), (b), and (c) above.

If the superintendent of schools is satisfied that a reasonable effort to procure such documentary proof has been without success

such application shall be granted and the certificate of the school physician or, if there be none, of a physician employed by the board of education, that said physician is satisfied that the child is above the age required for an age and schooling certificate as stated in section 7766, General Code, shall be accepted as sufficient evidence of age.

(4) A certificate from the school physician or physician designated by him, or if there be no school physician from the district health commissioner, or physician designated by him, showing after a thorough examination that the child is physically fit to be employed in such occupations as are not prohibited by law for a boy or girl, as the case may be, under eighteen years of age. Physical examination.

But a certificate with the word limited written, printed, or stamped diagonally across its face may be furnished by the school physician or other person indicated in the above sentence, and accepted by the superintendent of schools in issuing a "limited" age and schooling certificate provided in section 7766-3, General Code, showing that the child is physically fit to be employed in some particular occupation not prohibited by law for a boy or girl as the case may be of the child's age which the child contemplates entering, even if the child's complete physical ability to engage in any occupation as required in the preceding sentence cannot be vouched for.

SEC. 7766-2. When an age and schooling certificate, returned according to section 7766-1, General Code, is reissued, the pledge of the new employer and certificate from the school physician or other person in his stead shall be secured and filed. Reissue.

SEC. 7766-3. The age and schooling certificate provided in section 7766, General Code, shall be issued only with the word "Limited" printed or stamped diagonally across its face if the certificate of the physician provided in section 7766-1 or 7766-2, General Code, is a limited certificate, and in that case the particular employment to which it is limited shall be stated in the certificate, and the certificate cannot serve as the legal age and schooling certificate for employment in another occupation. Such limited certificate shall be printed on pink paper. Limited certificates.

SEC. 7766-4. In order to ascertain whether applicants for age and schooling certificates have satisfactorily completed the school work prescribed in section 7766, General Code, the board of education of any city school district may appoint a juvenile examiner who shall receive such compensation as may be fixed by the board of education. When such a juvenile examiner is employed no such certificate shall be granted by the superintendent of schools of the district unless the juvenile examiner has certified that he has examined the child and that the child has passed to his satisfaction the grade test as provided by section 7766, General Code: *Provided, however*, That if a child in the opinion of said juvenile examiner is below the normal in mental development so that he cannot with further schooling and due industry pass such test, such fact shall be certified to by said examiner and the superintendent of schools shall grant the child an age and school certificate printed on yellow paper with the words "Retarded Schooling not Standard" written, printed, or stamped diagonally across the face: *And provided further*, That if the juvenile examiner is satisfied that the standard of any school is sufficiently high, he may accept the records thereof as showing that a child has passed the required test. In case no juvenile examiner is employed, the superintendent of schools may proceed and determine in like manner; if after proper tests he determines that a child is below normal in mental development to the extent specified above, he shall grant such a "retarded" age and schooling certificate. If a child who desires an age and schooling certificate is granted a "retarded" certificate but secures only a limited health certificate, the word "Limited" shall be written or stamped across the face of the "retarded" certificate and the limited "retarded" certificate shall be on yellow paper; in which case the certificate shall show to what employment it is limited. Schooling test.

Record.

SEC. 7766-5. A record giving all the facts contained in every age and schooling certificate issued shall be kept on file in the office issuing the same; and also a record of the names and addresses of the children to whom certificates have been refused, together with the names of schools and grades which such children should attend and the reasons for the refusals; and also a record of all certificates returned or no longer used, as provided in sections 7766-1, (1), 7766-6, or 7766-9, General Code, with the reasons therefor, and the subsequent assignment of the child to a school, if any; and also a record of the conditions on which any certificates were issued, and there shall be kept on file also the pledges given in connection therewith; and also a record of the special facts connected with the issuing of "retarded" or limited certificates. The superintendent of public instruction shall have the power to prescribe methods of filing of all such facts, records, and papers, for purposes of effective reference. The above-named record is nevertheless not required in the cases of certificates denied to those determined immediately at the time of inquiry to be of insufficient age.

Vacation certificates.

SEC. 7766-6. The superintendent of schools may issue a vacation certificate to a boy or girl under eighteen years of age and over fourteen years of age, which shall permit him to be employed, within the restrictions of other statutes, during the summer school vacation up to August 25th, in occupations not forbidden by sections 13001, 13002, or 13007-3, General Code, to children of his age and sex, regardless of what schooling he has completed, but before such certificate is issued the requirements prescribed in section 7766-1, with relation to health, written pledge of employment, and proof of age must be complied with. Such vacation certificate shall be printed on blue or blue-tinted paper and the word "Vacation" shall be printed or stamped across its face; such certificate shall include a statement of the school and grade in which the child is enrolled. Such certificates must be returned to the superintendent of schools by employers within the same period and under the same penalties as regular age and schooling certificates and may be revoked by the superintendent of schools at any time because of the physical condition of the child or other sufficient cause.

If a child who desires a vacation age and schooling certificate secures only a limited health certificate the word "Limited" shall be written or stamped across the face of the vacation certificate and the limited vacation certificate shall be on blue or blue-tinted paper; in which case the certificate shall show to what employment it is limited.

Who to furnish record.

SEC. 7766-7. Whenever the school record of a child as specified in section 7766-1, General Code, is required for the purpose of determining his eligibility to an age and schooling certificate, such record shall be furnished by the superintendent, principal, teacher, or other official in charge of the public, private, or parochial school attended by the child within two days after a request for the same is made by the parent, guardian, or custodian of the child.

Conditional certificates.

SEC. 7766-8. Whenever an age and schooling certificate is applied for by a child over sixteen years of age who is unable to satisfactorily pass a test for the completion of the work of the seventh grade and who is not so below the normal in mental development that he cannot with further schooling and due industry pass such a test, an age and schooling certificate with the words "Conditional—Schooling not Standard" printed or stamped across its face may be issued by the superintendent of schools to such child upon proof acceptable to such superintendent of schools of the following facts and upon agreement to the respective conditions made in writing by the child and by the parent, guardian, or custodian in charge of such child:

Required facts.

(A) Facts to be proved:

That the child is addicted to no habit which is likely to detract from his reliability or effectiveness as a worker, or proper use of

his earnings or leisure, or the probability of his faithfully carrying out the conditions to which he agrees as specified in (B) below, and in addition any one of the following groups of facts—

(1) That the child has been a resident of the school district for the last two or more years, has diligently attended upon instruction at school for the last two years or more, and is able to read, write, and perform the fundamental operations of arithmetic. These abilities shall be judged by the juvenile examiner or if there be none, by the superintendent of schools.

(2) That the child having been a resident of the school district less than two years, diligently attended upon instruction in school in the district or districts in which the child was a resident next preceding his residence in the present district for the last school year preceding his removal to the present district, and has diligently attended upon instruction in the schools of the present school district for the period that he has been a resident thereof.

(3) That the child has removed to the present school district since the beginning of the last annual school session, and that instruction adapted to his needs is not provided in the regular day schools in the school district.

(4) That the child is not sufficiently familiar with the English language to be properly instructed in the full-time day schools of the district.

(5) That the child is needed for the support or care of a parent or parents or for the support or care of brothers or sisters for whom the parents are unable to provide, and that the child is desirous of working for the support or care of such parents or siblings, and that such child cannot render such needed support or care by a reasonable effort outside of school hours. But no age and schooling certificate shall be granted to a child upon proof of the facts in the preceding sentence without written consent given to the superintendent of schools by the judge of the juvenile court and by the board of State charities.

(B) Conditions to be agreed to:—

(1) In case the certificate is granted under facts (1), (2), (3), or (5) above, that until reaching the age of eighteen years the child will diligently attend, in addition to part-time classes, such evening classes as will add to his education for literacy, citizenship, or vocational preparation which may be made available to him in the school district and which he may be directed to attend by the superintendent of schools, or in case no such classes are available, that he will pursue such reading and study and report monthly thereon as may be directed by the superintendent of schools.

Conditions.

(2) In case the certificate is granted under fact (4) above, that until the age of twenty-one years or until the person is eighteen years of age and has learned to read, write, and speak the English language, the said person will attend, in addition to part-time classes, such evening classes as will assist the person to learn the American language or advance in Americanization which may be made available to him in the school district and which he may be directed to attend by the superintendent of schools. Such conditional age and school certificate shall be printed on green paper. If a conditional age and schooling certificate is at the same time a limited certificate, the word "Limited" shall be written or stamped diagonally across the face and the provisions of section 7766-3, General Code, shall apply except as to the color of the certificate.

SEC. 7766-9. A special age and schooling certificate which shall permit a child to be employed during the hours that the school to which the holder is assigned is not in session, other than the summer vacation, or, where cooperative part-time classes approved by the State board of education have been established, shall permit a child to be employed on the alternate days, weeks, or periods on which his division is assigned to such part-time employment, may be issued to a child above fourteen years of age under

Employment
out of school
hours.

all of the conditions other than age and education which apply to a regular age and schooling certificate and such additional conditions as the superintendent of schools may deem necessary. Such special age and schooling certificate shall entitle such child to engage in occupations not forbidden to such children by sections 13001, 13002, or 13007-3, General Code: *Provided, however,* That said sections 13001, 13002, and 13007-3, shall not be interpreted in such a way as to prevent any pupil from working on any properly guarded machine in the manual training department of any school when such work is performed under the personal supervision of an instructor.

Work and school time. No child under sixteen years of age shall be engaged in school and employment above nine hours altogether in any one day.

Special certificates. Every special age and schooling certificate shall be limited and specific and shall be in such form as will show all essential facts, and the form thereof or directions for recording the facts thereon may be prescribed by the superintendent of public instruction.

Such certificate shall be printed on light-brown paper.

Such certificate shall be returned to the superintendent of schools on or before the day that school adjourns for the summer vacation except when the cooperative part-time classes continue during the summer vacation. They shall be filed and returned by employers under the same conditions and penalties as apply to regular age and schooling certificates.

School attendance. SEC. 7767. Every child who has been granted an age and schooling certificate shall, until the age at which such certificate is no longer required by law, attend a part-time school or class for the number of hours, not over eight per week, that such school or class is in session: *Provided,* The board of education of the school district in which the child resides or is employed has made such school or class available. Such attendance shall be for the full term such school or class is in session, and shall begin with the first week of the school term or within one week after issuance of the age and schooling certificate. This section shall not apply to children who are employed on vacation or special certificates only. But the superintendent of schools may excuse a child from such attendance for one of the reasons provided in section 7762-5, General Code.

Part-time school. A part-time school or class shall be defined as one which shall offer to those minors who have entered industry instruction supplemental to their daily occupations or which will increase their civic and vocational intelligence or both, and which are taught between the hours of seven o'clock in the morning and six o'clock in the afternoon of any day except a legal holiday, Saturday, or Sunday, or between the hours of seven o'clock in the morning and twelve o'clock noon of Saturday.

Private schools. SEC. 7767-1. Attendance at a part-time school or class provided by an employer, or by a partnership, corporation, or individual, or by a private or parochial school, or by a college, or by a philanthropic or similar agency shall serve in lieu of attendance at a part-time school or class provided by a board of education in case the given school or class is conducted for substantially a term and hours equivalent to those of the part-time schools or classes provided by the local board of education, and in case, further, the school or class is approved by the superintendent of public instruction. When such school or class is conducted within or in connection with the establishment in which the child is working the obligation of attendance at part-time school or class indicated in section 7767, General Code, shall apply to the children holding age and schooling certificates who are employed in the given establishment regardless of the accessibility of public part-time schools or classes.

Availability. SEC. 7767-2. The superintendent of schools shall be the judge of the availability or accessibility of a school or class in applying sections 7762-5, 7766-8, 7767, or 7767-1, General Code.

SEC. 7769-2. An attendance officer or assistant may investigate any case of nonattendance at school or part-time school of a child under eighteen years of age or supposed to be under eighteen years of age resident in the district for which he is employed as attendance officer or assistant, or found in the district or enrolled in any school within the district and of any child above eighteen years of age if enrolled in any school within the district, and may take such action in accordance with law as the superintendent of schools may direct or as he himself may deem proper in the absence of specific directions.

Nonattendance.

SEC. 6250. An inspector or visitor of the industrial commission shall have like authority as is vested in the attendance officer to enforce school attendance of a child found violating the school attendance laws, or he shall make complaint of such violation to such attendance officer.

Enforcement.

SEC. 7770. The attendance officer and assistants shall be vested with police powers and the authority to serve warrants, and shall have authority to enter workshops, factories, stores, and all other places where children are employed and do whatever may be necessary in the way of investigation or otherwise to enforce the laws relating to compulsory education and the employment of minors. The attendance officer or assistant may also take into custody any youth of compulsory school age not legally employed on an age and schooling certificate who is not attending school and shall conduct such youth to the school he has been attending or should rightfully attend.

Powers.

SEC. 7770-1. Any person above eighteen years of age who believes that he is likely to be supposed to be under eighteen years of age by an employer or person engaged in the enforcement of the laws relating to compulsory education and the employment of minors may apply to the superintendent of schools for an overage certificate, which shall be issued to him if he is proved to be above eighteen years of age in the manner required for the proof of age to secure an age and schooling certificate.

Over-age certificates.

When a person holding an age and schooling certificate reaches the age of eighteen, such age and schooling certificate shall be released to him by his employer and shall have the effect of an overage certificate. Such overage certificate or released age and schooling certificate shall be conclusive evidence for an employer that the given employee has reached the age certified to therein, and the provisions of section 6245-2, General Code, shall not apply to the employer in respect to such person while engaged in an employment legal for a person of the given sex and of the age certified to therein.

SEC. 7770-2. Any boy above sixteen years of age employed at the time this act goes into effect, or who had been employed before that date and after reaching the age of sixteen years, and who under former laws was not required to hold an age and schooling certificate for such employment shall be granted by the superintendent of schools an "age and pre-employment card," which shall exempt him from the provisions of this act, except that he shall be required to attend part-time school or class until he reaches the age of eighteen, the same as those holding age and schooling certificates, if such part-time continuation schools or classes are in operation in the district wherein he resides, and he and his parents, guardian, or other person in charge of him shall be liable to like prosecutions and penalties upon his failure to do so.

Prior employment.

SEC. 7770-3. Any child employed at the time this act goes into effect on a regular age and schooling certificate or who had before that date been legally employed on such a certificate shall have the right to continue to be employed on such certificate or to be granted a new age and schooling certificate under the conditions as to age and grade which prevailed at the time his first regular age and school certificate in this State was granted.

Continuing right.

SEC. 7770-4. Schedule: Notwithstanding the provisions of other sections of this act children between seventeen and eighteen years

Act in effect.

of age shall not be required to attend part-time schools or classes previous to September 1, 1922; and previous to said date children between seventeen and eighteen years of age shall not be counted in determining the number requisite to obligate a board of education to provide such school or class; and previous to said date parents and employers shall be relieved of all obligations of attendance of such children upon such classes.

Proceedings.

SEC. 7771. The attendance officer shall institute proceedings against any officer, parent, guardian, person, partnership, or corporation violating any provision of the laws relating to compulsory education and the employment of minors, and otherwise discharge the duties described herein, and perform such other service as the superintendent of schools or board of education of the district by which he is employed may deem necessary to preserve the morals and secure the good conduct of school children, and to enforce the provisions of the above-mentioned laws.

He shall be furnished with copies of the enumeration in each school district in which he serves and of the lists of pupils enrolled in the schools and shall report to the superintendent discrepancies between these lists and the enumeration.

Cooperation.

The attendance officer and assistants shall cooperate with the Industrial Commission of Ohio in enforcing the conditions and requirements of the laws of Ohio relating to the employment of minors. The attendance officer shall furnish upon request such data as he and his assistants have collected in their reports of children from six to eighteen years of age and also concerning employers to the Industrial Commission of Ohio and upon request to the superintendent of public instruction. He must keep a record of his transactions for the inspection and information of the superintendent of schools and the board of education; and shall make reports to the superintendent of schools as often as required by him. The superintendent of public instruction shall have power to prescribe forms for the use of attendance officers in the performance of their duties. The blank forms and record books or indexes shall be furnished to the attendance officers by the boards of education by which they are employed.

Reports by teachers.

SEC. 7772. The principal or teacher in charge of any school, public, private or parochial, shall report to the clerk of the board of education of the city, exempted village, village or rural school district in which the school is situated the names, ages, and places of residence of all pupils below eighteen years of age in attendance at their schools, together with such other facts as said clerk may require to facilitate the carrying out of the provisions of the laws relating to compulsory education and the employment of minors. Such report shall be made within the first two weeks of the beginning of school in each school year, and shall be corrected with the entry of such items as may be prescribed by the superintendent of public instruction within the first week of each subsequent school month of the year.

If parents, etc., dependent.

SEC. 7777. When an attendance officer is satisfied that a child compelled to attend school is otherwise unable to do so because absolutely required to work at home or elsewhere in order to support himself or help to support or care for others legally entitled to his services who are unable to support or care for themselves, such officer must report the case to the president of the board of education of the city, exempted village, village or rural school district in which such child resides. Upon proof of such fact the given board of education shall furnish free of charge text-books and such other personal necessities for the child or persons entitled to his service and also such medical care in cooperation with the health commissioner of the district as may be necessary to enable the child to attend school. The expense incident to furnishing such relief must be paid from the contingent fund of the school district. Such child shall not be considered a pauper by reason of the acceptance of such relief. * * *

SEC. 12976. Whoever employs a minor under eighteen years of age before exacting from such minor the age and schooling certificate, or age and preemployment card required by law, or fails to keep such certificate or card on file, or fails to return to the superintendent of schools or his authorized representative such certificate or card or give notice of the non-use thereof within two days from such minor's withdrawal or dismissal from his service, or continues to employ a minor under eighteen years of age after his age and schooling certificate or card is void, or refuses to permit an attendance officer or other person mentioned in section 7765, General Code, to examine such certificate or card, or refuses to permit such attendance officer or person to observe the conditions under which minors under eighteen years of age are employed, or refuses to permit under reasonable regulations such attendance officer or persons to make inquiry of minors or persons supposed by such officer or persons to be under eighteen years of age in regard to matters pertaining to their age, employment, or schooling, shall upon conviction be fined not less than twenty dollars nor more than fifty dollars.

Violations.

SEC. 12977. Whoever, being an officer or agent of a corporation, participates or acquiesces in any violation of law relating to compulsory education or employment of minors shall upon conviction be fined not less than twenty dollars nor more than fifty dollars.

Same.

SEC. 12978. Failure to produce for lawful inspection the age and schooling certificate or card as provided by law or the record as provided in section 12998, General Code, shall be prima facie evidence of the illegal employment or service of the child whose certificate or card is not so produced or whose record is not so correctly kept.

Evidence.

SEC. 12979. Any person charged by law with issuance of age and schooling certificates who fails or refuses upon request to issue such certificate or age and preemployment card or overage certificate in conformity to law, or who issues such certificate or age and preemployment card or overage certificate contrary to any of the provisions of the laws relating to the issuance of such certificates or cards, shall upon conviction be fined not less than twenty nor more than fifty dollars.

Failure to issue certificate.

SEC. 12982-1. The attendance officer or any inspector of the Industrial Commission of Ohio shall when a violation of section 12976, 12977, 12978, 12979 * * * General Code, comes to his attention make complaint against the person or employer violating it in any court having jurisdiction.

Complaint.

SEC. 12987. Any person who when engaging to be employed or seeking employment states falsely his age for the purpose of evading any law relating to the employment of minors or females under the age of twenty-one years shall upon conviction be punished by a fine of not less than twenty nor more than fifty dollars or by imprisonment for not more than thirty days: *Provided, however,* That if the minor is under eighteen years of age a charge shall be brought against him in the juvenile court as a delinquent child.

False statements.

SEC. 12988. If a person between eighteen and twenty-one years of age falsely makes oath that he is twenty-one years of age or above when engaging to be employed or seeking employment the employer shall be exempt from the operation of section 6245-2, General Code, in respect to that person.

False oath.

SEC. 12993. No child under sixteen years of age shall be employed, permitted, or suffered to work in or about any (1) mill, (2) factory, (3) workshop, (4) oil well or pumping station, (5) cannery or bottling or preserving establishment, (6) mercantile or mechanical establishment, (7) tenement house, (8) garment making or dress making or millinery establishment or working room, (9) store, (10) office, (11) office building, (12) laboratory, (13) restaurant, (14) hotel, boarding house, or apartment house, (15) bakery, (16) barber shop, (17) bootblack stand or establishment, (18) public stable, (19) garage, (20) laundry, (21) place of amuse-

Employments forbidden.

ment, (22) club, (23) or as a driver or chauffeur, (24) or in any coal yard or brick, lumber, or building material yard, (25) or in the construction or repair of buildings, (26) or in the transportation of merchandise; nor any boy under sixteen or female under twenty-one years of age in the personal delivery of messages, but except as to the personal delivery of messages by females under twenty-one years of age this section shall not apply to holders of age and schooling certificates under sections 7766-6, 7766-9, or 7770-3, General Code.

Work during school hours.

SEC. 12993-1. It shall be unlawful for any person, firm, or corporation to employ, permit, or suffer to work any child who is required by law to be in attendance at school in any business or occupation whatever during the hours when the public schools of the district in which the child resides, including the school or class to which the child is assigned, are in session.

Return of certificate.

SEC. 12995. Upon failure on the part of an employer to return an age and schooling certificate or give notice of the nonuse thereof within two days after the termination of the employment of a child, the child terminating his employment shall be entitled to recover from such employer in a civil action as damages an amount equal to the wages which he would have earned had he continued in said employment for the period between such termination thereof and the time when such certificate is so returned or said notice given. If such a child at any time fails to appear for work without explanation, the employment shall be deemed within the purposes of this section to have terminated upon the expiration of two days after his so failing to appear.

Files.

SEC. 12998. No child under eighteen years of age shall be employed, permitted, or suffered to work in, about, or in connection with any establishment or occupation named in section 12993, General Code, or any place of employment, exchange, or headquarters, unless the person, firm, or corporation employing such child keeps two complete lists of the names, together with the ages, of all children under eighteen years of age, employed in or for such establishment or in such occupation, one on file and one conspicuously posted near the principal entrance of the place or establishment in which such children are employed.

Schedule.

Every employer shall post and keep posted in a conspicuous place in every room of any establishment or business named in section 12993, General Code, or this section, where any boy under the age of eighteen or any female under the age of twenty-one is employed, permitted, or suffered to work a printed notice stating the maximum of hours such person may be required or permitted to work on each day of the week, the hours of commencing and stopping work, and the hours allowed for dinner and for other meals. The printed form of such notices shall be furnished by the Industrial Commission of Ohio, and the employment of any minor for a longer time in any day than so stated or at any time other than as stated in said printed notice shall be deemed a violation of the provisions of the laws relating to the employment of minors.

In case the duties of the person are such as to cause him to move from room to room it shall be deemed compliance with the requirements of the above paragraph for the notice to be kept posted in the office or room to which such person reports or which serves as his headquarters.

Obstructing attendance.

SEC. 12999. Any employer who refuses to permit a minor in his employ to attend a part-time school or class as defined by law, when such minor is required by law so to attend, or arrange the hours of the minor's work so as to make possible such attendance, or dismisses a minor from his employ because of the minor's compliance with the law in respect to such attendance, or otherwise obstructs a minor's attendance at part-time school or class shall upon conviction for a first offense be punished by a fine of not less than ten nor more than fifty dollars; and upon conviction for subsequent offense by the penalties provided in section 12984, General Code.

SEC. 13007-1. An inspector of factories, attendance officer, or other officer charged with the enforcement of the laws relating to the employment of minors or school attendance may make demand on any employer in or about whose place or establishment or material or equipment a person apparently under the age of eighteen years is employed or permitted or suffered to work, and whose employment certificate is not filed as required by this act, that such employer shall furnish him satisfactory evidence that such person is in fact over eighteen years of age. The inspector of factories, attendance officer, or other officer charged with the enforcement of such laws shall require from such employer, unless an overage certificate is held by the employee, the same evidence of age of such child as is required upon the issuance of an age and schooling certificate. Failure of such employer to produce such evidence shall be deemed a violation of the laws relating to the employment of minors.

Evidence to be furnished.

SEC. 13007-7. It shall be the duty of inspectors of factories, attendance officers, and other officers charged with the enforcement of laws relating to the employment of minors to make complaint by filing the proper affidavit before a court having competent jurisdiction against any person, firm, or corporation violating any of the provisions of law relating to the employment of minors and to prosecute the same.

Prosecutions.

This shall not be construed as a limitation upon the right of other persons to make and prosecute such complaints.

SEC. 13007-8. Any person who with the intent to assist a minor or female under the age of twenty-one years to procure employment makes a false statement regarding the age of such person to an employer or to a person authorized to issue age and schooling certificates shall upon conviction be punished by a fine of not less than twenty nor more than fifty dollars or by imprisonment for not more than thirty days.

False statements.

SEC. 13007-9. Any person, firm, or corporation, agent or manager of any firm or corporation, who, whether for himself or for such firm or corporation, or by himself, or through an agent, servant, or foreman, employs, and whoever having under his control as parent, guardian, custodian, or otherwise, any minor, permits or suffers a minor or female under the age of twenty-one years to be employed or to work in violation of any of the provisions of the laws relating to the employment of such minors or females under the age of twenty-one years, for which the penalty is not otherwise provided by law, shall for a first offense be punished upon conviction by a fine of not less than ten nor more than fifty dollars.

Violations.

SEC. 13007-10. Whoever continues to employ any minor or any female under twenty-one years of age in violation of any of the provisions of the laws relating respectively to the employment of minors or females under the age of twenty-one after being notified thereof in writing by a factory inspector, attendance officer, or other officer charged with the enforcement of such laws, shall for every day thereafter that such employment continues be fined upon conviction not less than five nor more than twenty dollars.

Continuing offense.

SEC. 13007-14. Any minor or female under twenty-one years of age working in or in connection with any of the establishments or places or in occupations with respect to which there are restrictions of law governing the employment of persons of his probable age who refuses to give to an authorized employee of the Industrial Commission of Ohio or other authorized inspector or attendance officer his name, age, and place of residence shall be forthwith conducted by such authorized employee, inspector, or attendance officer before the juvenile court or other court having jurisdiction in the premises for examination and to be dealt with according to law.

Refusing information.

Filed in the office of the Secretary of State May 26, 1921.

Factory, etc.; regulations—Bakeries.

(Page 604.)

- Construction, etc.** **SECTION 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.
- Dressing room.** **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.
- Use of tables, etc.** **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.
- Cleanliness.** **SEC. 6.** Before beginning 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.
- Diseased workers.** **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.
- Physical examination.** **SEC. 8.** The State department of health or commissioner of health or the chief health officer in the several cities and towns, or the secretary of agriculture may require any person intending to work or working in a bakery to submit to a thorough examination for the purpose of ascertaining whether or not he is afflicted with any contagious, infectious or other disease or physical ailment. All such examinations shall be made by the district health commissioner.

. Approved June 7, 1921.

OREGON.

ACTS OF 1921.

CHAPTER 34.—Criminal syndicalism—Sabotage.

[This act repeals section 2025-1, Oregon Laws, which is the code form of chapter 12, Acts of 1919, and enacts a new law on the subject. The changes are few, occurring only in section 3. The first is the omission of the words "advising, affirmatively suggesting or teaching crime, criminal," between the words, "advocating" and "syndicalism" in the clause relating to books, pamphlets, etc. The second relates to membership, this provision now reading "or who shall be or become a member of, or organize or help to organize, or solicit or accept any person to become a member of, or voluntarily assemble with any society or assemblage of persons," etc.]

Words omitted.
Membership.

CHAPTER 169.—Factory, etc., regulations—State fire marshal.

SECTION 2. It shall be the duty of the State fire marshal to enforce all laws and all lawful ordinances, and make rules and regulations relating to:

Rules.

1. The prevention of fires.
2. The storage and use of combustibles and explosives.
3. The construction, maintenance and regulation of fire escapes.
4. To oversee the safety of and direct the means and adequacy of exit in case of fire from factories, * * * and all other places where large numbers of persons work, live or congregate from time to time for any purpose. * * *

Inspection.

CHAPTER 217.—Telegraph, trolley, power, etc., lines—Safety provisions.

SECTION 1. The Public Service Commission of Oregon shall have power, after a hearing had upon its own motion or upon complaint, to require by general or special orders, embodying reasonable rules or regulations, every person, firm, corporation, association, or municipality, their agents, lessees or acting trustees or receivers, appointed by court, engaged in the management, operation, ownership, or control of telegraph, telephone, signal, trolley, or power lines within the State of Oregon, upon the public streets or highways, and also upon all other premises used, whether leased, owned, or controlled by such persons, firms, corporations, associations, or municipalities, engaged in public service operations, to construct, maintain, and operate every line, plant, system, equipment, or apparatus in such manner as to protect and safeguard the health and safety of all employees, passengers, patrons, and the public, and to this end to adopt and prescribe the installation, use, maintenance, and operation of appropriate safety or other devices, or appliances, to establish or adopt standards of construction or equipment, and to require the performance of any other act which may seem to said commission necessary or proper for the protection of the health or safety of all employees, passengers, patrons, or the public.

Rules.

Standards.

SEC. 2. If any such person, firm, corporation, association, or municipality, or their agents, lessees, trustees, or receivers, shall omit, fail, or refuse to do any act, matter, or thing in this act required to be done by it, or shall fail to comply with any orders, rules, or regulations of said Public Service Commission of Oregon

Violations.

made in pursuance of this act, he, they, or it shall forfeit and pay into the State treasury a sum of not less than one hundred dollars (\$100), nor more than ten thousand dollars (\$10,000) for each such offense.

Approved by the governor February 23, 1921.

CHAPTER 244.—*Factory, etc., regulations—Enforcement staff.*

SECTION 1. Section 6750 of Oregon Laws [sec. 5052, Lord's Oregon Laws] is hereby amended so as to read as follows:

Salaries.

Sec. 6750. The salaries of the deputy labor commissioners, required to enforce the provisions of this act, shall be in such amounts as the labor commissioner shall designate, but at no time shall they be higher than the going wages paid to mechanics of like skill and ability, and in no event shall the wages or salary of any such deputy exceed the sum of \$150 in any single month, and they shall be paid in the same manner as the salaries of other State officers are paid, which salaries and expenses of such deputy labor commissioners and the salaries of not more than two clerks or stenographers, whom the labor commissioner is hereby authorized to employ, in his discretion, and all other expenses of every kind incurred in carrying out the provisions of this act, shall be paid from the special factory inspection fund in the same manner as other State salaries and expenses are paid, for which purpose said fund is hereby permanently appropriated.

Fund.

Approved by the governor February 23, 1921.

PENNSYLVANIA.

ACTS OF 1921.

ACT No. 4.—*Vocational rehabilitation—State and Federal cooperation.*

[The prior existence of a bureau of rehabilitation in the department of labor and industry of the State leads to a different method of procedure than in most States (see pp. 37, 38). The text of the law is therefore reproduced.]

SECTION 1. For the purpose of this act, the terms "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.

Definitions.

SEC. 2. The Commonwealth of Pennsylvania does hereby accept the provisions and benefits 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 employment," approved June second, one thousand nine hundred and twenty, and will observe and comply with all requirements of such act.

Acceptance of act of Congress.

SEC. 3. The State treasurer is hereby designated and appointed custodian of all moneys received by the Commonwealth 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 disbursements therefrom upon the order of the State board of education and warrant of the auditor general.

Custodian.

SEC. 4. The State board of education is hereby designated as the State board for the purpose of cooperating with the Federal Board for Vocational Education in carrying out the provisions and purposes of said Federal act providing for the vocational rehabilitation of persons disabled in industry or otherwise, and is empowered and directed to cooperate with said Federal board in the administration of said act of Congress, to prescribe such courses of vocational training as may be necessary for the vocational rehabilitation of persons disabled in industry or otherwise, and provide for the supervision of such training, and to direct the disbursement and administer the use of all funds provided by the Federal Government for the use of this State for the vocational rehabilitation of such persons.

State board.

SEC. 5. It shall be the duty of the State board of education and the department of labor and industry of this Commonwealth to formulate a plan of cooperation, through the bureau of rehabilitation of the department of labor and industry, in accordance with the provisions of this act and said act of Congress. Such plan shall become effective when approved by the governor of the Commonwealth.

Cooperation.

SEC. 6. The State board of education shall appoint a competent agent, who shall, under its direction and control, supervise the work of rehabilitation conducted by the bureau of rehabilitation of the department of labor and industry under the provisions of this act, for the purpose of recommending, for approval by the State board of education, such of the work of rehabilitation which meets the requirements of the Federal act for the rehabilitation of persons disabled in industry or otherwise. When such work in rehabilitation has been approved by the State board of educa-

Supervising agent.

tion, the State board of education shall reimburse the department of labor and industry, from Federal funds available for rehabilitation, in so far as such administration meets the provisions of the Federal act and has been approved by the State board of education.

Access to records, etc.

The department of labor and industry shall place at the disposal of the agent of the State board of education all of its records and reports concerning rehabilitation carried on under the provisions of this act, and shall provide facilities for the inspection of the actual work of rehabilitation.

Chief of bureau.

SEC. 7. It shall be the duty of the chief of the bureau of rehabilitation to direct, as hereinafter provided and subject to the supervision provided in section six of this act, the rehabilitation of any persons disabled in industry or in any legitimate occupation and their return to civil employment: *Provided*, That said duty of the chief of the bureau shall not be construed to apply to aged or helpless persons requiring permanent custodial care, or to blind or deaf persons under the care of any State or semi-State institution, or to any epileptic or feeble-minded person, or to any person who may not be susceptible to such rehabilitation.

Powers.

SEC. 8. The chief of the bureau of rehabilitation shall have power, with the approval of the commissioner of labor and industry:

Relations with hospitals.

(a) To establish relations with all public and private hospitals to require prompt and complete reports of any disabled persons under treatment in such hospitals. The persons thus reported may be promptly visited by representatives of the bureau of rehabilitation, who shall make record of their condition and report to the chief of the bureau, who shall then determine whether the person is susceptible to rehabilitation. Such persons as may be found susceptible shall be acquainted by the chief of the bureau with the rehabilitation facilities offered by the State and the benefits of entering upon remunerative work at an early date. Any disabled person who chooses to take advantage of these rehabilitation facilities shall be registered with the chief of the bureau, and a report kept of every such person and the measures taken for his or her rehabilitation. The chief of the bureau shall proffer to any such person counsel regarding the selection of a suitable occupation and of an appropriate course of training, and shall initiate definite plans for beginning rehabilitation as soon as the physical condition of the person permits.

Applications.

(b) To receive applications of any disabled persons for advice and assistance regarding their rehabilitation. The persons thus known to be disabled may be visited, examined, and advised in the same manner and for the same purposes as specified in clause (a) of this section.

Survey of disabled persons.

(c) To make a survey to ascertain the number and condition of disabled persons within the Commonwealth. The persons thus known to be disabled may be visited, examined, registered, and advised in the same manner and for the same purpose as specified in clause (a) of this section.

Courses in public schools;

(d) To arrange with the superintendent of public instruction for training courses in the public schools in the Commonwealth in selecting occupations for disabled persons registered with the chief of the bureau.

In other schools;

(e) To arrange with any educational institution for training courses in selected occupations for disabled persons registered with the chief of the bureau.

In industrial establishments.

(f) To arrange with any public or private organization or commercial, industrial, or agricultural establishment for training courses in selected occupations for disabled persons registered with the chief of the bureau.

Social service.

(g) To arrange for social service for the visiting of disabled persons registered with the chief of the bureau and of their families in their homes, during the period of training and after its completion, to give advice regarding any matter that may affect rehabilitation.

(h) To make such studies and reports as may be helpful for the operation of this act. Studies and reports.

(i) To cooperate with any departments of the Federal Government or of the Government of this Commonwealth or with any private agency in the operation of this act. Cooperation.

SEC. 9. The department of labor and industry, through the bureau of rehabilitation, subject to the supervision provided in section six of this act, shall have general supervision, management, and direction of all matters within the provisions of this act except that when the bureau of rehabilitation discovers disabled persons, entitled to receive assistance or training under the provisions of this act, who desire to go into public educational institutions or classes or institutions of higher education in Pennsylvania, the names of such persons shall be certified to the State board of education, and when such persons enter these institutions or classes to receive training such training shall be under the direct supervision and control of the State board of education. Department of labor and industry.

SEC. 10. If any section or provision of this act is decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of this act as a whole or any part thereof other than the part so decided to be unconstitutional or invalid. Severability of act.

SEC. 11. This act does not repeal or affect any of the provisions of the act approved the eighteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, one thousand forty-five [No. 418]). * * * No. 418, Acts of 1919, not repealed.

SEC. 12. This act shall be in effect and operative so long as there are funds available for the use of this Commonwealth from appropriations made by the Congress of the United States in pursuance of the act of Congress referred to in section two of this act or similar systems and no longer. Term of act.

Approved the 2d day of March, 1921.

ACT No. 107.—*Factory, etc., regulations—Fire escapes.*

[This act amends section 1 of act No. 233, Acts of 1909, by requiring the installation of automatic sprinkler systems or automatic fire-alarm systems "in all cases required by the commissioner of labor and industry and to be approved by him," instead of making the requirement general.] When to be installed.

ACT No. 169.—*Employment of diseased persons—Certain employments prohibited.*

[This act amends sections 1 and 3 of act No. 231, Acts of 1915, by making them applicable to places of public drinking as well as of public eating. The following provision is also added to section 1:]

Every person so employed or permitted to work for any person or persons, firm, corporation, or common carrier operating or conducting any hotel, restaurant, dining car, or other public eating or drinking place in this Commonwealth shall obtain a certificate from a reputable registered doctor of medicine certifying that such person is free from any of the diseases mentioned in section one of this act; and no person shall be employed or permitted to work as aforesaid in such hotel, restaurant, dining car, or other public eating or drinking place in this Commonwealth without having first obtained such a certificate. Said certificate or certificates shall be filed with the local health authorities within five days from date of said medical examination. The said certificate or certificates shall be valid for a period of six months, and may be revoked at any time prior thereto if the condition of such person warrants it. Doctor's certificate.

Filing.

Approved the 5th day of May, 1921.

ACT No. 184.—*Railroads—Sufficient crews for trains.*

Power to fix number of men.

SECTION 1. The public service commission created by the public service company law * * * [No. 854, Acts of 1913] shall have power, after hearing upon notice, by order in writing, to require any railroad corporation, as defined in the public service company law, to employ such number of men upon any of its trains as in the judgment of the commission is requisite for the safe and efficient operation thereof, and any such order shall be enforceable and reviewable in the same manner as prescribed by such public service company law and the amendments thereto in respect to orders of the commission made thereunder; and all acts inconsistent herewith are hereby repealed, including the act * * * [page 1053, Acts of 1911].

Repeal.

Approved the 5th day of May, 1921.

ACT No. 237.—*Factory, etc., regulations—Fire escapes, etc.*

Lighting system.

[This act amends section 1 of act No. 233, Acts of 1909, by adding after the clause relating to ways of egress the following: "and all ways of egress or means of escape in said buildings wherein persons are employed after darkness or the public assemblies after darkness shall be provided with a reliable emergency electric-lighting circuit, independent of the main lighting circuit, of a type to be approved by the commissioner of labor and industry."]

ACT No. 290.—*Mine inspectors—Anthracite mines.*

State board of examiners.

[This act creates an examining board to be appointed by the governor, to supersede the county boards provided for by act No. 255, Acts of 1901, as amended, and prescribes the qualifications of applicants for the position of inspector. Holders of certificates under the earlier law who have had four years' experience as inspectors are eligible to appointment under the new law. Inspectors' salaries are to be \$4,800 per year, besides traveling and other necessary expenses.]

Inspectors.

Salaries.

ACT No. 373.—*Employment of children—School attendance.*

Exemptions.

[This act amends section 1416 of an act, page 309, Acts of 1911, so as to read as follows:]
SECTION 1416. The provisions of this act requiring regular attendance shall not apply to any child, between the ages of fourteen and sixteen years, who has completed a course of study equivalent to six yearly grades of the public school, and is regularly engaged in any useful and lawful employment or service during the time the public schools are in session, and who holds an employment certificate issued according to law; nor shall the said provisions apply to any child, between the ages of fourteen and sixteen years, engaged in farm work or domestic service in a private home on a permit issued by the school board or the designated school official of the school district of the child's residence, in accordance with regulations which the superintendent of public instruction is hereby authorized to prescribe.

ACT No. 395.—*Employment of diseased persons—Certain employments prohibited.*

Repealer.

[This act is a repealer only of section 2 of act No. 281, Acts of 1915, which provided for semiannual medical inspections of employees in certain employments. The subject is now cared for by the amended section 1 of the act. See act No. 169, above.]

PORTO RICO.

ACTS OF 1921.

Act No. 53.—*Homes for workingmen.*

[This act is a redrafting and elaboration of the law on this subject (see act No. 28, Acts of 1917). It provides for workingmen's settlements in small towns and for small farms. The purchase, division, improvement, etc., of property, and its rental or sale are provided for.]

Act No. 65.—*Bureau of labor.*

SECTION 1. There is hereby established in the department of agriculture and labor a bureau of labor under the direction of the chief of the bureau of labor, who shall be appointed by the commissioner of agriculture and labor, and who, upon his induction into office, shall be included in the classified civil service.

Bureau created.

SEC. 2. There shall also be in the bureau of labor an assistant chief, appointed by the commissioner of agriculture and labor, who shall render such services as the chief of the bureau may require and shall act as chief of said bureau in the absence of the chief.

Assistant.

SEC. 3. The chief of the bureau of labor shall collect and collate data relative to labor, and shall report specifically to the commissioner of agriculture and labor on the wages of male and female laborers and the means of improving their material, intellectual, and moral welfare. He shall investigate the causes and facts in connection with controversies and disputes between employers and employees, and shall prepare, collate, and publish labor statistics, and shall issue such reports and bulletins relative to general labor conditions throughout the Island of Porto Rico as may from time to time, with the approval of the commissioner of agriculture and labor, be deemed necessary for transmittal to the commissioner of health in regard to the sanitary conditions of all factories, farm or agricultural properties, shops, and sugar or industrial establishments in the Island of Porto Rico where laborers are employed.

Duties.

SEC. 4. The chief of the bureau of labor shall render monthly a written report to the commissioner of agriculture and labor, which report shall contain the data collected and collated by him and such recommendations as he may deem pertinent for the development and efficiency of the bureau and for the purposes of section 3 hereof, and which shall be transmitted to the Legislature of Porto Rico.

Report.

SEC. 5. It shall be the duty of every employer, operator, or manager of any factory, shop, mine, mill, or other establishment where laborers are employed to furnish the bureau of labor, on blanks supplied by said bureau, all such data and reports as said bureau may require for the purpose of compiling the statistics required by this act, and said employer, operator, or manager shall furnish such reports and data as may be requested by said bureau within a term of not more than thirty (30) days after such employer, operator, or manager has been duly required to furnish such data; but such data and reports as the aforesaid bureau may publish shall not give the names of such persons, firms, or corporations as furnish said data, which shall be deemed absolutely confidential, and any employer, operator, or manager failing to perform the duty required by this section shall be punished by a fine of not to exceed fifty (50) dollars.

Duty of employer.

Witnesses.

SEC. 6. The chief or assistant chief of the bureau of labor shall have power to summon witnesses and to administer oaths in all matters connected with labor laws and with such other duties as may be expressly imposed by any act. Any person refusing to appear when summoned in writing and failing to show justified cause for such nonappearance in order to testify on any fact of which such person has knowledge shall be guilty of a misdemeanor, and upon conviction shall be punished by a competent court by a fine of not to exceed fifty (50) dollars or by confinement in jail for a term of not more than thirty (30) days: *Provided*, That no witness shall be summoned to appear at said investigation in a municipality other than that where his domicile is located.

Examination of conditions.

SEC. 7. The chief of the bureau of labor, or any inspector thereof, shall have power to enter any factory, mill, or mine by first notifying the chief or person in charge of said establishment, for the purpose of obtaining data or information for the statistics herein required and to examine the methods employed for the protection of employees against accidents and to ascertain and investigate the sanitary conditions of the place where said laborers work, and any employer, manager, or operator of any industry, factory, farm or agricultural property, mill, mine, or public works, or his agent, who refuses admission thereto of an inspector or employee of said bureau, or who refuses to furnish such information as may be really necessary in the manner prescribed by section 5 of this act shall be guilty of a misdemeanor and punished by a fine of not more than fifty (50) dollars.

Public lectures.

SEC. 8. The chief of the bureau of labor, in person or through his duly authorized officials, shall give public lectures and shall strive to advance the welfare of workmen of Porto Rico, improve their working conditions, and promote their opportunities for securing lucrative employment, and may attend laborers' and employers' assemblies or meetings and take part in the debates, should he be invited to do so.

Employees.

SEC. 9. In addition to the chief and assistant chief, there shall be one chief clerk, one stenographer, one translator, one file clerk, ten inspectors, and one messenger.

The employees of said bureau shall receive such salaries as may be determined in the appropriation act of Porto Rico.

Data.

SEC. 10. The chief of the bureau of labor, through the commissioner of agriculture and labor, may request of the heads of departments and of municipal commissioners all the data in the possession of said departments and municipalities which may be of interest to the bureau of labor for carrying out the duties imposed upon him by law.

SEC. 11. The present officials of the bureau of labor shall continue in office with the same rights and prerogatives as they now have.

SEC. 12. For the purposes of this act the words "employer" and "employee" shall mean—

Definitions.

(a) "Employer" includes any person, whether natural or artificial, who employs one or more persons in any agricultural, industrial, or public-service enterprise, for payment in money or other compensation or remuneration of any kind, and the manager, superintendent, inspector, principal, supervisor, agent, or representative of said person or association of persons.

(b) "Employee" includes any person or persons employed by any employer, or who works for him for money, remuneration, or compensation of any kind.

SEC. 13. All the office clerks and inspectors of the bureau of labor shall be appointed by the commissioner of agriculture and labor.

SEC. 14. An act * * * [No. 84] approved March 14, 1912, and an act * * * [No. 72] approved March 13, 1913, are hereby repealed.

Approved July 16, 1921.

ACT No. 75.—*Employment of children—General provisions.*

SECTION 1. Whenever used in this act—

The word "child" shall mean any person under eighteen years of age.

Definitions.

The word "minor" shall mean any person under twenty-one years of age.

The word "employer" shall mean any person, whether principal or agent, employing a minor or child.

SEC. 2. No child under fourteen years of age shall be employed, permitted, or suffered to work in Porto Rico in, about, or in connection with any gainful occupation except as specified in section 14 of this act and also with the exception of domestic, farm, and garden labor.

Children under 14.

SEC. 3. No child shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation, except in domestic, farm, and garden labor, and as permitted by section 21 of this act, more than six consecutive days in any one week, nor more than forty-eight hours in one week, nor more than eight hours in any one day, nor before the hour of eight o'clock in the morning nor after the hour of six o'clock in the evening of any day. Every employer shall post and keep posted conspicuously in the place where any child is employed, permitted, or suffered to work a printed notice setting forth the maximum number of hours said child may be required or permitted to work each day of the week, the hours of beginning and ending of work each day, and the hours when the time allowed for meals begins and ends. The printed form of such notice shall be furnished by the chief of the bureau of labor, and the presence of such child in the place of work for a longer time in any day than so stated or at any time other than as stated in said printed notice shall be deemed prima facie evidence of a violation of the provisions of this section.

Hours of labor.

Notice.

SEC. 4. No child shall be employed, permitted, or suffered to work (1) in any quarry, tunnel, or excavation, or (2) in any tobacco warehouse or cigar or other factory where tobacco is manufactured or prepared, (3) and that no girl under the age of sixteen years shall be employed, permitted, or suffered to work in any retail cigar or tobacco store, or in any hotel or boarding house or as an usher, attendant, or ticket seller in any theater or place of amusement.

Restrictions.

SEC. 5. The chief of the bureau of labor, after having first consulted with the insular commissioner of health, shall determine whether any particular trade, process of manufacture, or occupation, or any method of carrying on such trade, process of manufacture, or occupation is dangerous to life or injurious to the health and morals of children and minors, and shall issue an order prohibiting employment of children and minors in any occupation which the insular commissioner of health has determined to be dangerous or injurious as aforesaid.

Power to change.

SEC. 6. No female under eighteen years of age shall be employed, permitted, or suffered to work as a messenger for any telegraph company or service or any messenger service in the distribution or delivery of goods or messages at any time. No male under eighteen years of age shall be employed, permitted, or suffered to work as a messenger for any telegraph or messenger company or service or any messenger service in the distribution or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day.

Messenger service.

SEC. 7. Any person having in his custody or control a child under the age of sixteen years who shall employ, exhibit, apprentice, or sell, give away, or in any way dispose of such child with a view to such child being employed as an acrobat, or a gymnast, or a contortionist, or rope-walker, or in any exhibition of like character, or as a beggar, or street singer or musician, or any person causing or procuring such child to be so engaged, shall be deemed

Forbidden employment.

guilty of a misdemeanor and punished by a fine of not to exceed two hundred and fifty (250) dollars, or by imprisonment for not less than ten days or not more than one year, or both.

Record.

SEC. 8. No child of fourteen and under sixteen years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation with the exception of domestic, farm, and garden labor, unless his employer procures and keeps on file and accessible to any officer, inspector, or other person authorized to enforce or aid in enforcing this act a permit to work during the school course, issued as hereinafter described, and keeps a complete list of all such children employed therein conspicuously posted in the place where such children are employed in such occupation.

Work permit.

SEC. 9. The work permit required by this act shall be issued by the chief of the bureau of labor, or by any person duly authorized by him, and shall state the name, sex, color, date of birth, and place of residence of the child. It shall certify that all the conditions and requirements for issuing a work permit under the provisions of this act have been fulfilled and shall be signed by the person issuing it. It shall state the grade last completed by said child and the kind of evidence as to age accepted for the work permit. It shall state the name and address of the employer for whom and the nature of the specific occupation in which the work permit authorizes the child to be employed, and no permit shall be valid excepting for the employer so named and for the occupation so designated. It shall bear a number, shall show the date of its issue, and shall be signed by the child for whom it is issued in the presence of the person issuing it, and shall be mailed to the employer by the bureau of labor. A record giving in full for each applicant the facts with reference to sex, color, date and place of birth, name, and address of parent, guardian, or custodian, name and address of employer and nature of the specific occupation in which the applicant desires to be certified, grade and school last attended, evidence of age, and date of issuance or date of refusal of certificate, with reason therefor in the latter case, shall be kept in the bureau of labor, together with the physician's certificate of physical fitness, the school record, and the employer's statement of his intention to employ the child. Lists shall be sent once a week to each school during the school term giving the names and addresses of all children from that school to whom permits have been issued or refused. The chief of the bureau of labor may furnish anyone charged with the duty of enforcing this act or aiding in its enforcement with a duplicate of all work permits issued or such information with reference to permits issued or refused as he may desire.

Issuance of permits.

SEC. 10. The officers authorized in section 37 of this act to issue work permits shall issue such permits only upon the application in person of the child desiring employment, accompanied by the parent, guardian, or custodian of such child, or in default thereof by the municipal commissioner of education, and after having received, examined, and approved and filed the following papers, namely:

Papers filed.

(a) A statement signed by the prospective employer or by some one duly authorized on his behalf stating that he expects to give such child immediate employment, setting forth the specific nature of the occupation in which he intends to employ such child and the number of hours per day and of days per week which said child shall be employed and the daily time of the beginning and ending of such employment and of the period for lunch, and agreeing to send the notice of the commencement of employment and to return the work permit according to the provisions of this act.

(b) Proof of age as provided in section 11 of this act.

(c) A certificate of physical and mental fitness as provided in section 12 of this act.

(d) A school record as provided in section 13 of this act.

SEC. 11. The evidence of age required by this act shall consist of one of the following, which shall be required in the order herein designated: Evidence of age.

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

(b) A baptismal record or duly certified transcript thereof showing the date of birth and place of baptism of the child.

(c) A passport or a certificate of arrival issued by immigration officers of the United States showing age of the child.

(d) Other documentary record of the child's age satisfactory to the chief of the bureau of labor: *Provided*, That a school record, a school census certificate, or a parent's, guardian's, or custodian's affidavit or statement of the child's age shall not be accepted except as specified in paragraph (e).

(e) A certificate of physical age, signed by a physician assigned by the municipal commissioner of education for such purpose and based upon a physical examination made upon request of father, mother, guardian, or custodian of the child. Such certificate shall state the height and weight of such child and other evidence upon which the opinion as to the age of such child is founded. No fee shall be charged for this certificate. A parent's, guardian's, or custodian's affidavit of age, and a record of the age as given in the register of the school first attended by the child, if obtainable, or in the earliest available school census, shall accompany the physician's certificate of age. And no work permit shall be issued if any of the above sources shows the child to be under the age of fourteen years.

No evidence authorized by a subsequent subdivision of the order of proof herein enumerated shall be accepted unless there be received and filed substantial evidence that the proof required by the preceding paragraphs can not be obtained. If subsequent proof of age of the sort required under section 11 of this act shall be likewise filed and shall conclusively establish the falsity of the proof previously filed, the chief of the bureau of labor shall cancel the permit and issue or refuse a new one according to the age thus established. The proof of age in the files of the bureau shall be receivable in all future applications for permits without such proof being again required. But upon each new application the applicant's physical fitness for the particular employment must be reestablished as hereinafter provided.

SEC. 12. The certificate of physical and mental fitness required by this act shall be signed by a physician assigned by the municipal commissioner of education for such purpose. It shall show the height and weight of the child and shall state that the said child has been thoroughly examined by the said physician at the time of his application for a work permit, has attained the normal development of a child of his age and is in sound health, and is physically and mentally qualified for the employment specified in the statement submitted in accordance with the requirements of this act. No fee shall be charged for the certificate. Physician.

SEC. 13. The school record required by this act for a work permit shall be filled out and signed by the teacher of the class last attended by the child and countersigned by the principal of the school, whether public, private, or parochial, which the child has last attended or by some one duly authorized by the said principal. It shall certify that the said child is able to read and write correctly sentences either in the English or Spanish language, has satisfactorily completed the sixth grade of the elementary school course prescribed for the public schools of Porto Rico if in graded schools, or the fourth grade if in rural schools, or has regularly received in a private or parochial school instruction deemed equivalent by the commissioner of education to that prescribed for the public schools. Such school record shall give also the full name, date of birth, grade last completed, and residence of the child as shown on the records of the school. School record.

Summer vacation. SEC. 14. The chief of the bureau of labor, or any person duly authorized by him, shall have authority to issue a vacation permit to a child between the age of fourteen and sixteen years, permitting employment during the regular summer vacation period of the public schools, if the age of such child has been proved according to section 11 of this act and such child has in all other respects fulfilled the requirements for a work permit as specified in this act. These permits shall be different in color from the permit to work during the school course, prescribed by this act, and shall be valid only during the regular summer vacation of the public schools.

Notice to bureau. SEC. 15. Every employer receiving permits issued to children to work during the school course or permits to work during vacations shall notify the bureau within three days in writing of the time of the commencement of the employment of the child to whom the permit refers, and within three days of the termination of the employment shall return said permit to the bureau. Failure to serve such notice shall be cause for the cancellation of the permit, and failure to so return it shall be cause for the refusal of further permits upon the application of such employer. Returned permits shall be filed and the proper school authorities notified.

Notice to employer. SEC. 16. Upon the request of any employer who is desirous of employing a child who represents his or her age to be sixteen years or over the officer issuing permits shall determine the age of such child as provided in section 11. If it be found that the child is actually sixteen years of age or over, said officer may issue to such employer a statement of age, which shall state the name, sex, color, address, and date of birth of such child, and the kind of evidence of age accepted, and a record of the issuance of said statement of age and the facts upon which it was issued shall be kept in the bureau of labor.

Inspector's right. SEC. 17. Whenever any labor inspector shall have reason to doubt that any child employed in any occupation for which a permit is required by this act and for whom a work permit or vacation permit or statement of age is not on file has reached the age of sixteen years such labor inspector may make demand on such child's employer that such employer shall either furnish him within ten days the evidence required for a work permit showing that the child is in fact sixteen years of age or shall refuse to employ or permit or suffer such child to work. In case such employer shall fail to furnish such evidence to the chief labor inspector within ten days after such demand and shall thereafter continue to employ such child or permit or suffer such child to work in such factory or manufacturing or business establishment, such employer shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the penalty imposed by section 19 of this act and proof of the making of such demand and of failure to deliver such permit shall be prima facie evidence in any prosecution brought for violation of this provision that such child is under sixteen years of age and is unlawfully employed.

Physician's right. SEC. 18. Any physician assigned for the purpose by any municipal commissioner of education of Porto Rico who makes physical examinations of children as authorized by this act shall have authority to inspect any work place in which a child is employed for the purpose of determining whether the nature of his occupation or the conditions of work are likely to be harmful to the health of the child. If the physician finds it necessary as a result of such inspection, he shall make a medical examination of such child, if it appears from the examination that such child is physically or mentally unfit to be employed in the occupation in question, the medical examiner shall recommend to the chief of the bureau of labor that the permit to work during the school course or the permit to work during vacation issued to such child be canceled, and the said chief is hereby empowered to cancel such permit.

SEC. 19. Whoever employs, procures, or permits a minor to be employed in violation of any of the provisions of this act or rulings made by the chief of the bureau of labor as provided for in section 5 of this act, or who refuses or obstructs entry or inspection authorized by section 27 of this act, shall for a first offense be punished by a fine of not to exceed one hundred (100) dollars or by imprisonment not to exceed thirty days, or in the discretion of the court by both such penalties. Whoever continues to employ a minor in violation of the provisions of this act, after being notified by any officer or other person authorized to enforce this act or to aid in its enforcement, shall for every day thereafter while such employment of each child continues be punished by a fine of not to exceed two hundred (200) dollars or by imprisonment for not to exceed sixty days, or in the discretion of the court by both such fine and imprisonment, and whoever forges or procures to be forged or assists in forging or, with intent to evade any of the provisions of this act, alters a certificate of birth or other evidence of the age of any child, and whoever presents or assists in presenting a forged or altered certificate of evidence of birth, and whoever misrepresents the age of such child for the purpose of fraudulently obtaining a permit to work during the school course or during vacations required by this act, shall be punished by a fine of not to exceed five hundred (500) dollars or by imprisonment for not to exceed one year, or by both such fine and imprisonment in the discretion of the court.

Violations.

SEC. 20. It shall be the duty of police officers, of fiscals of the juvenile courts, and all other law-enforcement officers of Porto Rico to cooperate in the enforcement of this act by reporting violations to the chief of the bureau of labor.

Enforcement.

SEC. 21. Every parent, guardian, or other person residing in Porto Rico having charge or control of a child between the ages of eight and fourteen years shall cause such child to be regularly instructed in a public or in a private or parochial school and to attend regularly such school during the period of each year the public schools of the Island are in session, on the customary days and during the customary hours of the school term, provided that such instruction is deemed equivalent by the commissioner of education to the instruction in the public schools, and that the provisions of this act shall not apply to a child between fourteen and sixteen years of age who has received a work permit issued according to the provisions of section 10 of this act, and who is actually, regularly, and lawfully employed: *Provided*, That any parent, tutor, guardian, or other person residing in Porto Rico and having the custody of any child who justifies that he has applied to the proper office for the enrollment of said child at the beginning of the school year and that there was no room available for said child in the public schools of Porto Rico shall be exempt from liability for the violation of this section.

Duty of parent.

SEC. 26. Any parent, tutor, guardian, teacher, or other person who makes a false statement concerning the age or school attendance of a child between the ages of eight and fourteen who is under his control, such false statement being made with intent to deceive under this act, upon conviction shall be punished by a fine not to exceed fifty (50) dollars. Any person who induces or attempts to induce any child to be absent unlawfully from school or who knowingly employs or harbors while school is in session any child absent unlawfully from school upon conviction shall be punished by a fine of not less than ten (10) dollars nor more than fifty (50) dollars.

Punishment.

SEC. 27. In order to enforce the provisions of this act the chief of the bureau of labor, labor inspectors, and other officers duly appointed under the terms of this act are hereby authorized to enter any place or establishment covered by the terms of this act, shall have power to inspect permits to work during the school course or during vacations, or statements of age kept on file by the employer or documents in the possession of a child and such

Power to enforce.

other records as may aid in the enforcement of this act. The person authorized to issue work and vacation permits and street badges shall have authority to administer all necessary oaths, but no fee shall be charged for this or any other service rendered by the bureau provided for in this section.

Courts. SEC. 28. The juvenile courts of Porto Rico are hereby given jurisdiction in all cases arising under this act.

Validity. SEC. 30. If any provisions of this act or the application of such provision to certain circumstances be held invalid, the remainder of the act and the application of such provision to circumstances other than those as to which it is held to be invalid shall not be affected thereby.

Approved July 20, 1921.

ACT No. 86.—*Labor camps—Company houses.*

Houses. SECTION 1. Any house or place of lodging to be used or occupied as a shelter for laborers under contract or brought from any part of the country by a corporation, firm, manufacturer, factory, or agricultural estate shall be kept in good condition of cleanliness and in accordance with sanitary provisions, and shall have a capacity of not less than three hundred (300) cubic feet of space for each adult or nine hundred (900) cubic feet for one man, one woman, and two children: *Provided*, That nothing contained in this section in regard to capacity shall apply to buildings or structures which may have been built before the taking effect of this act: *Provided further*, That in no case shall the lodging of laborers be permitted in places where merchandise is stored, and any violation of this provision shall be considered a misdemeanor.

Drainage. SEC. 2. The lands on which such lodgings are located shall be drained by necessary ditches to carry off rainwater and shall be kept absolutely clean and free by the tenants from all residue injurious to health.

Enforcement. SEC. 3. Every corporation, firm, or employer, or his representative or agent, shall be obliged whenever so required by the department of health or by the department of agriculture and labor, or their representatives, to carry out existing legal provisions.

Inspection. SEC. 4. The representatives of the department of agriculture and labor and of the department of health shall have free access to such lodgings at any time or place required.

Violations. SEC. 5. Any corporation, firm, employer, or manufacturer which through its agent or person in charge violates any section of this act shall, upon conviction, be punished by a fine of not more than fifty (50) dollars or by imprisonment for not more than thirty days.

Approved July 26, 1921.

JOINT RESOLUTION No. 35.—*Hours of labor on public works—
Telegraph and telephone operators.*

[This resolution extends to telegraph and telephone operators in offices belonging to the bureau of insular telegraph the provisions of law limiting the hours of labor in the public service to 8 per day. In offices rendering only day service, eight and one-half hours are to be worked, with free periods.]

RHODE ISLAND.

ACTS OF 1921.

CHAPTER 2027.—*Factory, etc., regulations—Employment of children.*

[This act adds a new clause to section 1, chapter 78 of the General Laws, as last amended by chapter 1378, Acts of 1916, as follows:]

CLAUSE 11. In case any child whose age has been proved in the manner provided in this chapter to be at least fourteen years is found to be unable to read and to write legibly simple sentences in the English language, the school committee, or the person authorized by the school committee to issue age and employment certificates, may, and upon the request of some interested person, shall, certify the child's school record to the commission of education, together with a report of the child's inability to pass the literacy test. If the said commissioner upon consideration of the record and such other evidence as may be presented or that he shall request shall find that the child is mentally incapable of learning or of being taught to read and write English, and if the child shall be found by one of the physicians authorized to examine children under the provisions of this chapter to be in sufficiently sound health and physically able to be employed in any of the occupations or processes in which a child between fourteen and sixteen years of age may be legally employed, then the commissioner may authorize the school committee to issue for the child a special permit to work. All special permits to work shall be uniform throughout the State and on a form, including the commissioner's findings, that shall be provided by the commissioner. Except as provided in this clause, all special permits to work shall be issued in accordance with and subject to all the provisions and penalties of chapter 78 of the General Laws.

Illiterate children.

Special permit.

Approved April 13, 1921.

CHAPTER 2031.—*Vocational rehabilitation—State and Federal cooperation.*

[This act very briefly accepts the provisions of the Federal law and empowers the State board of vocational education to cooperate. No provision is made for funds. See pages 37, 38.]

CHAPTER 2033.—*Vocational rehabilitation of injured workmen.*

[This act amends section 1 of chapter 1737, Acts of 1919, so as to read as follows:]

SECTION 1. The commissioner of education, with the approval of the State board of education, is hereby authorized and empowered to provide for the vocational rehabilitation of persons disabled in any legitimate occupation and their return to civil employment. If any person, being a resident of this State, by reason of physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is or may be expected to be totally or partly incapacitated for remunerative employment or service in his occupation, the commissioner of education, with the approval of the State board of education, may, if the person is a suitable subject for rehabilitation, assist in rendering him

Coverage.

Scholarship. fit to engage in a remunerative occupation by appointing him as a State scholar at any suitable school or institution either within or without the State, or by providing suitable instruction in school or shop or other suitable place, for a period in either instance not exceeding one year: *Provided*, That the period of instruction may be extended upon proof of satisfactory accomplishment and the need of extension to insure rehabilitation: *And provided further*, That the commissioner at any time for reasonable cause may revoke any scholarship or discontinue other provision for instruction.

Exceptions. [A new section 5 is also added, to read as follows:]
SEC. 5. This act shall not apply to aged or helpless persons requiring permanent custodial care, or to insane, epileptic, or feeble-minded persons, or to other persons who, in the judgment of the commissioner of education, may not be susceptible to rehabilitation.

Approved April 15, 1921.

SOUTH CAROLINA.

ACTS OF 1921.

ACT No. 430.—*Employment of children—School attendance.*

SECTION 1. Every parent, guardian, or other person having charge of any child between eight and fourteen years of age, inclusive, must send such child to a public, private, or parochial school or to a competent tutor, subject to the approval of the county superintendent of education, for four consecutive months, or eighty consecutive school days, during the scholastic year that the school attended is in session: *Provided*, That in case the term of any school is less than four months, or eighty school days, attendance for the full term of such school shall be sufficient to meet the requirements of this act, except as hereinafter provided.

Age.

SEC. 9. All attendance officers shall have the right to require a birth certificate or an affidavit as to the age of any child in his or her district or territory. They shall have the further right to visit any place of employment to ascertain if any child between eight and fourteen years of age is employed. These officers shall keep a record of all notices served and cases prosecuted and shall make a full report of them once a month to the county board of education.

Records.

SEC. 10. Any parent, guardian, or other person having charge of any child subject to the provisions of this act who willfully neglects or refuses to comply with these provisions, or any person, firm, or corporation who shall induce such child to violate same shall be deemed guilty of a misdemeanor, and upon conviction thereof before any magistrate be fined not less than five nor more than ten dollars or be imprisoned not less than five nor more than ten days. All fines collected under this act are to be paid into the school fund for such district in which said offense was committed.

Violations.

SEC. 12. In the case of a widowed mother or a crippled father, any child above twelve years of age whose labor may be necessary for the support in whole or in part of any person may be excused. * * *

Exception.

SEC. 14. No child under fourteen years of age shall be employed in any factory, workshop, or mercantile establishment, or in any place or manner, during the usual school hours in said district, unless the person employing such child shall first procure a certificate from the superintendent or teacher of the school said child last attended, stating that the child attended school for such current year for the period required by law, or has been excused from attendance as provided by the third section hereof, and it shall be the duty of said superintendent or teacher to furnish such certificate on application of the parent, guardian, or other person having control of such child entitled to same.

Certificate.

Approved the 12th day of April, A. D. 1921.

SOUTH DAKOTA.

ACTS OF 1921.

CHAPTER 215.—Vocational rehabilitation—State and Federal cooperation.

[This act recognizes the action of the governor in accepting the provisions of the Federal law, and authorizes the State board of education to cooperate with the Federal Board to this end. The sum of \$5,000 per annum is appropriated by another act for use in this connection.]

CHAPTER 242.—Factory, etc., regulations—Bakeries, etc.

SECTION 1. Every building, room, basement, inclosure, or premises, occupied, used, or maintained as a bakery, confectionery, cannery, bottling works, packing house, slaughter house, creamery, cheese factory, restaurant, hotel, grocery, meat market, or as a factory, shop, warehouse, and public place or manufacturing establishment used for the preparation, manufacture, packing, storage, sale, or distribution of any food as defined by statute, which food is intended for sale, shall be properly and adequately lighted, drained, plumbed, and ventilated, and shall be conducted with strict regard to the influence of such conditions upon the health of the employees, operatives, clerks, or other persons therein employed, and the purity and wholesomeness of the food therein produced, prepared, manufactured, packed, stored, sold, or distributed.

Sanitation.

SEC. 5. Every such building, room, basement, inclosure, or premises occupied, used, or maintained for the production, preparation, manufacture, canning, packing, storage, sale, or distribution of such food shall have adequate and convenient toilet rooms, lavatory, or lavatories. The toilet rooms shall be separate and apart from the room or rooms where the process of production, preparation, manufacture, packing, storing, canning, selling, and distribution is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick, or other nonabsorbent material, and shall be washed and scoured as often as necessary to keep them clean. Such toilet or toilets shall be furnished with separate ventilating flues and pipes discharging into soil pipes or shall be on the outside of and well removed from the building. Lavatories and wash rooms shall be adjacent to toilet rooms, or when the toilet is outside of the building the wash rooms shall be near the exit to the toilet and shall be supplied with soap, clean water, and sanitary towels and shall be maintained in a sanitary condition.

Toilets, etc.

SEC. 7. Every person, firm, or corporation operating or maintaining an establishment or place where food is produced, prepared, manufactured, packed, stored, sold, or distributed shall provide the necessary cuspidors for the use of operatives, employees, clerks, and other persons, and each cuspidor shall be thoroughly emptied and washed out daily with water or a disinfectant solution, and five ounces thereof shall be left in each cuspidor while it is in use: *Provided*, That in unheated warehouses boxes of sand or sawdust may be used as cuspidors if they be emptied and refilled each week. Whoever fails to observe the provisions of this section shall be guilty of a misdemeanor and punished as hereinafter provided.

Cuspidors.

SEC. 8. No operative, employee, or other persons shall expectorate on the floor or on the utensils or on the floors or sidewalks of any building, room, basement, or cellar where the production,

Expectoration.

- Cleanliness. preparation, manufacture, packing, storing, or sale of any such food is conducted. Operatives, employees, clerks, and all other persons who handle the material from which such food is prepared or the finished product, before beginning work or after visiting toilet or toilets, shall wash their hands thoroughly in clean water. Whoever fails to observe or violates the provisions of this section shall be guilty of a misdemeanor and punished by a fine of not more than twenty-five dollars.
- Sleeping in work rooms. Sec. 9. It shall be unlawful for any person to sleep, or to allow or permit any person to sleep in any workroom of a bake shop, kitchen, dining room, confectionery, creamery, cheese factory, or any place where food is prepared for sale, served, or sold unless all foods therein handled are at all times in closed packages.
- Diseased persons. Sec. 10. Upon and after receipt of written notice and a copy of this law from the State food and drug commissioner it shall be unlawful for an employer to require, suffer, or permit any person who is affected with any contagious or infectious disease to work, or for any person so affected to work, in a building, room, basement, inclosure, premises, or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution, or transportation of food, and upon complaint the food and drug commissioner may require any person working in any building, vehicle, or premises covered by the provisions of this act to obtain from a reputable physician a statement showing such person to be free from all contagious or infectious diseases.
- Enforcement. Sec. 11. It shall be the duty of the State food and drug commissioner and those appointed by him to enforce this act, and for that purpose the State food and drug commissioner and his appointees shall have full power at all times to enter every such building, room, basement, inclosure, or premises occupied or used or suspected of being occupied or used for the production, preparation, or manufacture for sale, or the storage, sale, distribution, or transportation of food, to inspect the premises and all utensils, fixtures, furniture, and machinery used as aforesaid. If upon inspection any such food producing or distributing establishment, conveyance, or any employer, employee, clerk, driver, or other person is found to be violating any of the provisions of [this] act, or if the production, preparation, manufacture, packing, storage, sale, distribution, or transportation of such food is conducted in a manner detrimental to the health of the employees and operatives, or to the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed, or conveyed, the officer or inspector making the inspection or examination shall report such conditions and violations to the State food and drug commissioner. * * *

Approved March 12, 1921.

TENNESSEE.

ACTS OF 1921.

CHAPTER 24.—*Mine regulations—Washhouses.*

SECTION 1. It shall be the duty of every owner, lessee, its officers or agents or other corporation, person or persons having jurisdiction or direction of any coal mine or coal mines employing fifty or more persons within the State of Tennessee, to provide within six months after the passage and approval of this act a suitable building which shall be most convenient to the majority of the employees of such mine or mines and equip with either individual lockers or hangers, benches and seats, proper light, heat, hot and cold water and shower baths, and maintain same in good order for the use and benefit of all persons employed in or about said mine or mines. Said buildings shall be constructed as to give sufficient floor space for the accommodation of miners or others using the same. Washhouses to be provided.

The flooring in the wash rooms of said building to be made of concrete or cement, but the material used in flooring the changing room shall be optional with the owner, lessee, or person operating or directing the operation of the mine or mines. All lockers required by this act when made of steel shall be not less than twelve inches in width, twelve inches depth, and 60 inches in height, and when made of lumber they shall be not less than twelve inches in depth, 22 inches in width, and 60 inches in height, with partitions in center of wood lockers. If individual hangers are provided instead of lockers they shall consist of not less than three suitable hooks upon which to hang clothing and a receptacle of suitable size for use in connection therewith, attached to a proper chain or wire rope, and so suspended as to admit of hanger being raised to such height that the wearing apparel, when hung thereon will not be less than seven feet above the floor of said building, and of being locked in that position. The lockers or hangers in each washhouse shall be sufficient in number to accommodate all employees of said mine or mines, and there shall be one shower bath for each fifteen employees. Construction.

Said employees shall furnish their own towels and soap, and lock for their lockers or hangers, exercise control over and be responsible for the property by them left therein, and it shall be the duty of all persons using said washhouses to remove therefrom all cast-off wearing apparel. Care.

Sec. 2. Every corporation, company, partnership, person or persons who shall construct any building or buildings required by section 1 and shall install such washhouses and washhouse facilities as required therein, shall at all times during the operation of any mine or mines keep the same in a clean and sanitary condition, but shall not be liable for the loss or destruction of any property of employees left in any such buildings. Condition.

Sec. 3. Any owner or lessee, its officers or agents, or other person or persons failing or refusing to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and shall upon conviction, be fined not less than fifty (\$50.00) dollars nor more than one hundred dollars (\$100.00) each day's violation shall constitute a separate offense and shall be punished as such. Violation.

Sec. 4. It shall be unlawful for any person to break, injure, or destroy any part or appurtenance to any washhouse, or commit any nuisance therein, and any person adjudged guilty of a violation of this section shall be fined in any sum not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50). Injury to property.

Whites and blacks. SEC. 5. All washhouses erected as hereinbefore described shall be so arranged as to provide separate washhouses for whites and blacks in the discretion of the chief mine inspector.

Enforcement.

SEC. 6. It shall be the duty of the "chief mine inspector" to enforce this act.

Approved February 1, 1921.

CHAPTER 29.—*Garnishment of wages of municipal employees.*

[This act provides for subjecting to garnishment the wages or other sums due employees of any county or municipality of the State, with such exemptions as are allowed employees of private employers.]

CHAPTER 43.—*Employment of children—General provisions.*

[This act amends chapter 57, Acts of 1911, by adding to section 3 thereof the following:]

Employment certificate.

No minor shall be employed in any of the occupations mentioned in this section of this act unless said employer keeps on file and accessible to the shop and factory inspector an employment certificate which shall be issued only by the county superintendent of schools or by a person authorized by him in writing in the city, town, or village where such child resides or in the city, town, or village in which the child is to be employed, and only upon the application in person of the child desiring employment, accompanied by its parent, guardian, or custodian. Such certificate shall only be issued after the person so authorized shall have received, examined, approved, and filed in his office documentary evidence of age showing that the minor is 16 years of age or over, which evidence shall consist of one of the following-named proofs of age duly attested, and the proof accepted shall be specified in the certificate issued to the child; the proof specified in subdivision (a) shall be required first, but if this be not available then the proof specified in the succeeding subdivision shall be required and filed in the order designated until the age of the child be established as follows:

Proof of age.

(a) A birth certificate or transcript thereof issued by a registrar of vital statistics or other officer charged with the duty of recording births, which certificates or transcripts thereof shall be prima facie evidence of the age of the child.

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

(c) A bona fide record of the date and place of the child's birth kept in the Bible in which the records of the births, marriages, and deaths in the family of the child are preserved, or a certificate of confirmation or other church ceremony at least one year old showing the age of the child and date and place of such confirmation or ceremony, or a passport showing the age of the child or a certificate of arrival in the United States issued by the United States immigration officers and showing the age of the child, or a life insurance policy at least one year old showing the age of the child.

(d) A certificate signed by two physicians, at least one of whom shall be a public health officer or public school medical inspector, stating that they have separately examined the child and that in their opinion the child is at least sixteen years of age; such certificates shall show the height and weight of the child, the condition of its teeth, and any other facts concerning its physical development revealed by such examination and upon which their opinion as to its age is based. Such certificates of employment shall be conclusive evidence as to the age of such minors, and shall be a complete defense to any civil or criminal action against the employer for alleged violation of the provisions of this section of this act.

Approved March 23, 1921.

CHAPTER 68.—*Vocational rehabilitation—State and Federal cooperation.*

[This act contains the customary provisions on this subject (see pp. 37, 38) and appropriates \$17,880.51 for the purpose for the year ending June 30, 1921.]

CHAPTER 171.—*Railroads—Height of wires over tracks.*

SECTION 1. ANY person, firm, or corporation engaged in any business whereby wires are used for the transmission of intelligence or other purposes shall not string any wire or wires across railroad tracks without first having complied with the regulations of the railroad and public utilities commission of the State of Tennessee prescribed to prevent accidents from said wires. Persons affected.

SEC. 2. Wherever the wire or wires of any person, firm, or corporation using wires for the purpose of transmitting intelligence or otherwise are now located over and across railroad tracks the same shall within twelve months from the date of the passage of this act be so reconstructed and maintained as to comply with said regulations of the railroad and public utilities commission of the State of Tennessee. Change.

SEC. 3. The railroad and public utilities commission of the State of Tennessee shall, after hearing all interested parties, within sixty days after the passage of this act prescribe and promulgate regulations for the construction and maintenance of wires across the tracks of railroads for the protection of trains, engines, cars, and the operatives thereof: *Provided*, That said commission's power is limited to regulation and the right to cross railroad tracks must be obtained by such wire-using companies according to existing law. Regulations.

SEC. 4. The person, firm, or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$25 nor more than \$100 or imprisonment in the county jail for not less than ten nor more than thirty days or both. Violations.

SEC. 5. Any person, firm, or corporation failing to construct or reconstruct and maintain its wire or wires as herein provided for shall be liable for all damages both to railroad companies and their employees resulting therefrom. Liabilities.

Approved April 9, 1921.

TEXAS.

ACTS OF 1921.

CHAPTER 63.—*Factory, etc., regulations—Bakeries, etc.*

SECTION 1. Any building occupied or used as a bakery wherein is carried on the business of the production, preparation, storage, or display of bread, cakes, pies, and other bakery products intended for sale for human consumption shall be clean, properly lighted, drained, and ventilated. Every such bakery shall be provided with adequate plumbing and drainage facilities, including suitable wash sinks, toilets, and water-closets. All toilets and water-closets shall be separate and apart from the rooms in which the bakery products are produced or handled. * * * Rooms shall be provided for the changing and hanging of wearing apparel apart and separate from such workrooms, and such rooms as to be provided for the changing and hanging of wearing apparel shall be kept clean at all times.

Buildings.

SEC. 2. No employee or other person shall sit or lie upon any of the tables, benches, troughs, shelves which are intended for the dough or bakery products. * * * Before beginning the work of preparing, mixing, and handling the ingredients used in baking every person engaged in the preparation or handling of bakery products shall wash his hands and arms thoroughly, and for this purpose sufficient washbasins and soap and clean towels shall be provided. No employee or other person shall use tobacco in any form in any room where bakery products are manufactured, wrapped, or prepared for sale. No master baker, person, or any employee who is affected with any contagious or infectious disease shall be permitted to work in any bakery or be permitted to handle any of the products therein or delivered therefrom.

Persons.

Approved March 24, 1921.

CHAPTER 66.—*Hotels, restaurants, etc.—Physical examination of employees.*

SECTION 1. It shall be unlawful for any individual, persons, firms, corporations, or common carriers operating or conducting any hotel, café, restaurant, dining car, or other public eating place, or operating any bakery or meat market, public dairy or dairies in this State, to hereafter work, employ, or keep in their employ any person or persons infected with or affected by any infectious or contagious disease, and also such persons so employed who at the time of the taking effect of the provisions herein made are infected with or affected by any contagious or infectious disease shall at once be discharged from such employment in any of the places above enumerated in this act.

Diseased employees.

SEC. 2. Every individual, persons, firms, or corporations, or common carriers operating or conducting a hotel, café, restaurant, dining car, or other public eating place, or operating a bakery or meat market, shall institute and have made a medical examination for all their employees at intervals of time not to exceed six months, and shall after such medical examination of all their employees promptly discharge from their employment in or about the above-mentioned places any person or persons found to be infected with or affected by any infectious or contagious disease.

Medical examination.

SEC. 3. It shall be unlawful for any individual, persons, firms, or corporations operating or conducting any hotel, café, restaurant, dining car, or other public eating place, or operating any bakery or meat market, to work or employ any person to work in any

Certificate.

hotel, café, restaurant, dining car, or other public eating place, or in any bakery or meat market, who, at the time of their employment, had not in his or her possession a certificate from some reputable physician, where said person is to be employed, attesting the fact that the bearer has been examined by such physician within one week prior to the time of employment, and that such examination discloses the fact that such person to be employed was free from any and all infectious or contagious diseases.

Approved March 23, 1921.

CHAPTER 79.—*Barber shops and beauty parlors—Sanitation, etc.*

[This act is properly a health law, but the following section applies to employees:]

Diseased employees.

SECTION 3. (a) No owner and no operator or manager of a barber shop or beauty parlor shall knowingly permit any person suffering from a communicable skin disease or from a venereal disease to act as a barber or employee or work or be employed in said shop or parlor.

(b) No person who to his own knowledge is suffering from a communicable disease or from venereal disease shall act as a barber or work or be employed as set forth in this section.

· Became a law without the governor's signature.

CHAPTER 100.—*Liability of railroad companies for injuries to employees—Assumed risks.*

[This act amends article 6645, Revised Statutes of 1911, so as to read as follows:]

Assumed risk.

ARTICLE 6645. The plea of assumed risk shall not be available as a bar to recovery of damages in any suit hereafter brought in any court of this State against any corporation, receiver, or other person operating any railroad, interurban railway, or street railway in this State, for the recovery of damages for the death or personal injury of any employee or servant caused by the wrong or negligence of such person, corporation, or receiver, it being contemplated that while the employee does assume the ordinary risk incident to his employment he does not assume the risk resulting from any negligence on the part of his employer, though known to him.

Negligence.

Where, however, in any such suit, it is alleged and proven that such deceased or injured employee was chargeable with negligence in continuing in the service of any such corporation, receiver, or person above named in view of the risk, dangers, and hazards of which he knew, or must necessarily have known, in the ordinary performance of his duties, such fact shall not operate to defeat a recovery, but the same shall be treated and considered as constituting contributory negligence and if proximately causing or contributing to cause the death or injury in question, it shall have the effect of diminishing the amount of damages recoverable by such employee, or his heirs or representatives in case of the employee's death, only in proportion to the amount of negligence so attributable to such employee.

Approved March 29, 1921.

CHAPTER 118.—*Industrial welfare commission—Minimum wage.*

[This act is a repealer only of chapter 160, Acts of 1919.]

CHAPTER 121.—*Hours of labor on public works—Basic eight-hour day.*

[This act amends section 2 of chapter 68, Acts of 1913, so as to read as follows:]

Limit of eight hours.

SEC. 2. All contracts hereafter made by or on behalf of the State of Texas, or by or on behalf of any county, municipality, or

other legal or political subdivision of the State, with any corporation, persons, or association of persons for performance of any work shall be deemed and considered as made upon the basis of eight hours constituting a day's work. It shall be unlawful for any corporation, person, or association of persons having a contract with the State or any political subdivision thereof to require any such laborers, workmen, mechanics, or other persons to work more than eight hours per calendar day in doing such work, except in case of emergency which may arise in times of war or in cases where it may become necessary to work more than eight hours per calendar day for the protection of property, human life, or the necessity of housing inmates of public institutions in case of fire or destruction by the elements. In such emergencies the laborers, workmen, mechanics, or other persons so employed and working to exceed eight hours per calendar day, shall be paid on the basis of eight hours constituting a day's work: *Provided*, That not less than the current rate of per hour wages for like work in the locality where the work is being performed shall be paid to the laborers, workmen, mechanics, or other persons so employed by or on behalf of the State of Texas, or for any county, municipality, or other legal or political subdivision of the State, county, or municipality, and every contract hereafter made for the performance of work for the State of Texas, or for any county, municipality, or other legal or political subdivision of the State, county, or municipality must comply with the requirements of this section: *Provided*, That nothing in this act shall affect contracts in existence at the time of the taking effect of this act: *Provided further*, That nothing in this act shall be construed to affect the present law governing State and county convict labor while serving their sentences as such: *And provided further*, That nothing in the foregoing section shall prevent any person, or any officer, agent, or employee of a person or corporation or association of persons from making mutually satisfactory contracts as to the hours of labor at the rates of pay as herein provided: *Provided further*, That the time consumed by the laborer in going to and returning from the place of work shall not be considered as part of the hours of work.

Exceptions.

Wages.

Became a law without the governor's signature.

UTAH.

ACTS OF 1921.

CHAPTER 48.—Private employment offices.

[This act amends section 2440, Compiled Laws of 1917 (section 1, chapter 21, Acts of 1909), by adding thereto the following:]

Provided, however, That the provisions of section 2449 [sec. 10, ch. 21, Acts of 1909] shall not apply to any person, persons, firm, corporation, or association operating agencies for school-teachers, but it shall be a misdemeanor for any school-teacher's employment agency to receive as commission for information or assistance such as is described herein, any consideration which is in value in excess of 5 per cent of the amount of the first year's salary of the person to whom such information is furnished.

Approved March 8, 1921.

CHAPTER 49.—Employment of labor—False advertising.

SECTION 1. Any person who places with an employment agent an order for more employees than he actually desires or who places with employment agents duplicate orders for employees or who permits a standing order for employees to remain uncan- celled at a time when he does not need such employees shall be liable to persons who, in good faith, accept and act upon infor- mation furnished in good faith by employment agents under such excess, duplicate, or standing order, for the amount actually exp- ended in traveling from the location of such employment agent to the place of such proposed employment and return.

SEC. 2. Any person who gives to an employment agent or agents any false or unauthorized order for employees or who causes to be published in any newspaper or otherwise any false or unauthorized notice or statement that employees are wanted by any person, shall be deemed guilty of a misdemeanor.

Approved March 10, 1921.

CHAPTER 67.—Industrial commission—Safety provisions.

[This act amends various sections of chapter 100, Acts of 1917, codified as sections 3061, et seq., of the Compiled Laws of 1917.

Section 12 (sec. 3072) is amended by adding the following:]

Where injury is caused by the willful failure of the employer to comply with any statute of the State or any lawful order of the industrial commission, compensation as provided in this act shall be increased fifteen per cent, except in case of injury resulting in death.

[To section 113 (sec. 3073) the following is added:]

(a) Where injury is caused by the willful failure of the em- ployee to use safety devices where provided by the employer, or,

(b) Where injury results from the employee's willful failure to obey any order or reasonable rule adopted by the employer for the safety of the employee, or,

(c) Where injury results from the intoxication of the employee, compensation provided therein shall be reduced fifteen per cent.

The above provisions do not apply in death benefits.

[The amendment to section 16 (sec. 3076), clause 6, authorizes the commission to "license, supervise, and regulate private em- ployment offices," instead of "license and supervise the work of" such offices.

Section 27 (sec. 3087) is amended by inserting after the words "order of the commission" in the first sentence, the words "pertaining to employment or places of employment as to requiring protection of life, health, safety, and welfare of employees in such employment or places of employment." A similar change is made in section 29 (sec. 3089).

Filing of state-
ments.

The changes in section 34 (sec. 3094) consist in naming July instead of January as the month for the mailing of employers' statements to the commission; the year covered is from July 1 to June 30, instead of the calendar year, as formerly. Penalties for violations go into the State treasury instead of the State insurance fund.

Section 52 (sec. 3112) is amended by substituting "or" for "and" in clause 5, so that the injury considered is to arise "out of or in the course of employment."

Reports.

Section 98 (sec. 3159). Reports are to be biennial instead of annual, in December preceding the meeting of the legislature.

Other amendments affect the workmen's compensation features of the law, and are outside the scope of this bulletin.]

CHAPTER 80.—*Mine regulations—Storage of powder.*

High explo-
sives.

[This act amends section 3944, C. L. 1917 (sec. 1540 X2, C. L. 1907), by forbidding the storage of any powder or other high explosive in the shaft house, adit, etc., of a metalliferous mine; or more than 24 hours' supply underground, without written permission from the industrial commission.]

CHAPTER 97.—*Vocational rehabilitation—State and Federal cooperation.*

[This act contains the standard provisions of the laws on this subject (see pp. 37, 38). The State board of education is designated to act, as had previously been done in respect of vocational education. The appropriation act sets aside \$14,000 for the biennium, to match Federal funds.]

VERMONT.

ACTS OF 1921.

ACT No. 186.—*Commissioner of industries—Deputy.*

SECTION 1. Section 5754 of the General Laws is hereby amended so as to read as follows:

Sec. 5754. Said commissioner shall, subject to the approval of the governor, appoint one or more deputy commissioners, also a woman inspector for part or full time as may be required, for whose official acts he shall be responsible. Said deputy or deputies and said inspector shall hold office during the pleasure of said commissioner, and their compensation shall be fixed by the board of control. Deputies.

Approved March 16, 1921.

ACT No. 215.—*Sunday labor.*

SECTION 1. Section 7097 of the General Laws is hereby amended so as to read as follows:

Sec. 7097. A person shall not between twelve o'clock Saturday night and twelve o'clock the following Sunday night, exercise any secular business or employment, except works of necessity and charity * * *. A person who violates a provision of this act shall be fined not more than fifty dollars for each offense. Labor forbid- den.

Approved March 25, 1921.

WASHINGTON.

ACTS OF 1921.

CHAPTER 7.—Administrative code—Department of labor and industries.

SECTION 2. There shall be, and are hereby, created departments of the State government which shall be known, respectively, as * * * (7) the department of labor and industries, * * * which departments shall be charged, respectively, with the execution, enforcement, and administration of such laws and invested with such powers and required to perform such duties as the legislature may provide.

Department created.

Sec. 3. There shall be a chief executive officer of each of the departments of the State government created by this act, to be known, respectively, as * * * (7) the director of labor and industries, * * * who shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. * * *

Officers.

Sec. 19. The director of each department created by this act shall have the power to prescribe rules and regulations, not inconsistent with law, for the government of his department, the conduct of its subordinate officers and employees, the disposition and performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto.

Powers.

Sec. 20. Each department created by this act shall maintain its principal office at the State capital in rooms provided by the department of business control. The director of each department may, with the approval of the governor, establish and maintain branch offices at other places than the State capital for the conduct of one or more of the functions of his department.

Office.

Sec. 74. The department of labor and industries shall be organized into and consist of three divisions, to be known, respectively, as (1) the division of industrial insurance, (2) the division of safety, (3) the division of industrial relations. The director of labor and industries shall receive a salary of not to exceed seventy-five hundred dollars per annum and have power to appoint such clerical assistants as may be necessary for the general administration of the department.

Divisions.

Sec. 75. The director of labor and industries shall have the power to appoint and depute an assistant director, to be known as the supervisor of industrial insurance, who shall have charge and supervision of the division of industrial insurance, and, with the approval of the director, appoint and employ such adjusters, medical and other examiners, auditors, inspectors, clerks, and other assistants as may be necessary to carry on the work of the division.

Supervisor of industrial insurance.

Sec. 76. The director of labor and industries shall have power, (1) to appoint and depute an assistant director, to be known as the supervisor of safety, who shall have charge and supervision of the division of safety, (2) to appoint the State mining board, the members of which shall have the qualifications provided by law, and (3) to appoint and depute a chief inspector of mines, who shall have the qualifications provided by law for the office of the State mine inspector. The supervisor of safety, with the approval of the director, shall have power to appoint and employ such inspectors, clerks, and other assistants as may be necessary to carry on the work of the division. The chief mine inspector, with the approval of the director, shall appoint such qualified deputies as are provided by law.

Supervisor of safety.

Mining board.

Inspector.

Appointees.

Supervisor of industrial relations. SEC. 77. The director of labor and industries shall have power to appoint and depute an assistant director, to be known as the supervisor of industrial relations, who shall be the State mediator, have charge and supervision of the division of industrial relations, and with the approval of the director shall appoint an assistant to be known as the industrial statistician, and a female assistant to be known as the supervisor of women in industry and have power to appoint and employ such assistant mediators, experts, clerks, and other assistants as may be necessary to carry on the work of the division.

Appointees.

Industrial insurance. SEC. 78. The director of labor and industries shall have the power, and it shall be his duty through and by means of the division of industrial insurance:

(1) To exercise all the powers and perform all the duties now vested in and required to be performed by the industrial insurance department and the commissioners thereof;

(2) To exercise all the powers and perform all the duties now vested in and required to be performed by the State medical aid board;

(3) To exercise all the powers and perform all the duties now vested in and required to be performed by the local aid boards;

(4) To have the custody of all property acquired by the State at execution sale upon judgments obtained for delinquent industrial insurance premiums or medical aid contributions, and penalties and costs to sell and dispose of the same at private sales for the sale purchase price, and to pay the proceeds into the State treasury to the credit of the industrial insurance fund or medical aid fund as the case may be. In case of the sale of real estate the director shall execute the deed in the name of the State;

(5) To exercise such other powers and perform such other duties as may be provided by law.

Joint decisions.

SEC. 79. The director of labor and industries, the supervisor of industrial insurance, and the supervisor of safety shall have the power, and it shall be their duty to jointly hear and decide by a majority vote all matters arising in either the division of industrial insurance or the division of safety, which the director of labor and industries or the supervisor of industrial insurance or the supervisor of safety, respectively, shall deem to be of sufficient importance to require their joint action and to hear and decide by a majority vote any matter concerning which any person affected by the decision of either the supervisor of industrial insurance or the supervisor of safety shall by request in writing ask for a joint decision: *Provided, however,* That nothing herein contained shall be construed as depriving any person feeling himself aggrieved by any decision of either the director of labor and industries, the supervisor of industrial insurance, the supervisor of safety or by any joint decision of the right of appeal therefrom to a court of competent jurisdiction in the manner provided by law.

Division of safety.

SEC. 80. The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of safety:

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the State safety board, except the appointment of the State mining board;

(2) To exercise all the powers and perform all the duties in relation to the inspection of factories, mills, workshops, storehouses, warerooms, stores and buildings, and the machinery and apparatus therein contained, and steam vessels, and other vessels operated by machinery, and in relation to the administration and enforcement of all laws providing for the protection of employees in mills, factories, workshops, and other places where machinery is used, and in relation to the enforcement, inspection, and certification of safe places and safety device standards in all

industries, now vested in, and required to be performed by, the commissioner of labor;

(3) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the State mine inspector and deputy mine inspectors;

(4) To exercise all the powers and perform all the duties in relation to the inspection of tracks, bridges, structures, machinery, equipment, and apparatus of railroads, street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, with respect to the safety of employees, and the administration and enforcement of all laws providing for the protection of employees of railroads, street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, now vested in, and required to be performed by, the public service commission;

(5) To exercise all the powers and perform all the duties in relation to the enforcement, amendment, alteration, change, and making additions to, rules and regulations concerning the operation, placing, erection, maintenance, and use of electrical apparatus, and the construction thereof, now vested in, and required to be performed by, the public service commission;

(6) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the inspector of hotels;

(7) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the bureau of labor;

(8) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 81. The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial relations: Industrial relations.

(1) To promote mediation in, conciliation concerning, and the adjustment of, industrial disputes, in such manner and by such means as may be provided by law;

(2) To study and keep in touch with problems of industrial relations and, from time to time, make public reports and recommendations to the legislature;

(3) To, with the assistance of the industrial statistician, exercise all the powers and perform all the duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the State, now vested in, and required to be performed by, the secretary of state, and to report to, and file with, the secretary of state duly certified copies of the statistical information collected, assorted, systematized, and compiled, and in collecting, assorting, and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States Department of Labor; Statistics.

(4) To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the State government having need of industrial statistics;

(5) To, with the assistance of the supervisor of women in industry, supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions surroundings, hours of labor, and wages of women and minors; Women and minors.

(6) To exercise all the powers and perform all the duties, not specifically assigned to any other division of the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor; Other duties.

(7) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 82. The director of labor and industries, the supervisor of industrial insurance, the supervisor of industrial relations, the industrial statistician, and the supervisor of women in industry shall constitute a committee, of which the director shall be chair- Industrial welfare.

man, and the supervisor of women in industry shall be executive secretary, which shall have the power, and it shall be its duty:

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the industrial welfare commission.

Offices abolished.

Sec. 135. From and after the thirty-first day of March, 1921, the following offices, boards, commissions, bureaus, and departments of the State government heretofore created by law shall be, and are hereby, abolished, viz: * * * the barber's examining board, * * * the industrial welfare commission, the industrial insurance department, the bureau of labor, the commissioner of labor, * * * the State medical aid board, the local aid boards, the State board of mining examiners, * * * the State safety board, * * *.

Approved by the governor, February 9, 1921.

CHAPTER 31.—*Accident and health insurance—Provisions of policies.*

Forms to be filed.

SECTION 6059-187. Subdivision (a). On and after the first day of January, 1922, no policy of insurance against loss or damage from the sickness or the bodily injury or death of the insured by accident shall be issued or delivered to any person in this State until a copy of the form thereof and of the classification of risks, if more than one class of risks is written and the premium rates pertaining thereto have been filed with the insurance commissioner. * * *

Standard provisions.

Subd. (c). Every such policy so issued shall contain certain standard provisions, which shall be in the words and in the order hereinafter set forth and be preceded in every policy by the caption, "Standard provisions." * * * Said standard provisions shall be:

(1) A standard provision relative to the contract, which may be in either of the following two forms: Form (A) to be used in policies which do not provide for reduction of indemnity on account of change of occupation, and form (B) to be used in policies which do so provide. If form (B) is used and the policy provides indemnity against loss from sickness, the words "or contracts sickness" may be inserted therein immediately after the words "in the event that the insured is injured";

(A) 1. This policy includes the endorsements and attached papers, if any, and contains the entire contract of insurance. No reduction shall be made in any indemnity herein provided by reason of change in the occupation of the insured or by reason of his doing any act or thing pertaining to any other occupation.

(B) 1. This policy includes the endorsements and attached papers, if any, and contains the entire contract of insurance except as it may be modified by the insurer's classification of risks and premium rates in the event that the insured is injured after having changed his occupation to one classified by the insurer as more hazardous than that stated in the policy, or while he is doing any act or thing pertaining to any occupation so classified, except ordinary duties about his residence or while engaged in recreation, in which event the insurer will pay only such portion of the indemnities provided in the policy as the premium paid would have purchased at the rate but within the limits so fixed by the insurer for such more hazardous occupation.

Exemptions.

Subd. (j) (1). Nothing in this section, however, shall apply to or affect any policy of liability or workmen's compensation insurance or any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, copartnership, association, or individual employer, police or fire department, underwriter's corps, salvage bureau, or like associations or organizations, where the officers, members, or employees, or classes or departments thereof, are insured for their individual

benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy.

Approved by the governor March 1, 1921.

CHAPTER 174.—*Liability of employers for poll tax of employees.*

SECTION 1. All persons of this State, over twenty-one (21) years of age and under fifty (50) years of age, except idiots, insane persons, and persons supported at public expense, shall annually pay a poll tax of five dollars (\$5). * * *

Who to pay.

SEC. 2. * * * It shall be the duty of the industrial insurance department to furnish to the county treasurer of each county, on or before the 30th day of April of each year, a list of all employers within such county whose names appear upon the records of the industrial insurance department as contributors to the accident or other funds of said department.

Lists of employers.

SEC. 3. Any person, firm, corporation, or company, or agent thereof, having in his or their employ persons liable to pay a poll tax as herein provided, shall, before making to any such person any payment of wages or salary after the first day of May of each year, require of such person satisfactory proof that he or she has paid the poll tax herein required, and, in the event that such proof is not furnished, such person, firm, corporation, or company, or agent thereof, shall deduct from the wages or salary due and owing to each of such employees the sum of the poll tax for which such employee is then liable and to pay the same to the county treasurer, on behalf of such employee. Any person, firm, corporation, or company, or agent thereof, failing to make any deductions herein provided for shall be liable for the payment of any poll tax not so deducted, together with interest and penalties; and the books, records, or pay rolls of any such employer shall always be open to inspection of any public officer, his agent, or representative who is charged with any duty relating to the collection of the tax herein provided. If any employer or other person shall refuse to submit his books, records, or pay rolls for inspection by any proper officer, such officer may apply to a superior judge of the proper county for an order directing that he be allowed to make such inspection, and if any employer or other person shall refuse to obey said order he shall be in contempt of court and shall be punished as in cases of contempt. Such person shall also be guilty of a misdemeanor.

Duty of employers.

Approved by the governor Mar. 21, 1921.

WEST VIRGINIA.

ACTS OF 1921.

CHAPTER 4.—Employed children—School attendance.

[This act amends section 129 of chapter 2, Acts of 1919, so as to read as follows:]

SECTION 129. Each minor over fourteen years of age and under sixteen years of age who is not in regular attendance upon a public, private, or parochial school or who is regularly and lawfully employed in some occupation or service, unless such minor has completed eight years of elementary schooling, shall attend a part-time school or class in the district in which such minor resides or may be employed. Such attendance shall be for not less than four hours per week and not more than eight hours per week for each week which such school or class is in session until the total attendance amounts to at least one hundred and forty-four hours for the school year, except that the school authorities may, subject to the approval of the State superintendent of free schools, permit any such minor to increase the number of hours per week of required attendance and decrease the number of weeks of required attendance. The attendance upon a part-time school or class shall be between the hours of eight o'clock forenoon and five o'clock afternoon: *Provided, however,* That such persons shall be exempt from the foregoing requirements for any of the causes enumerated from (a) to (1), inclusive, in section one hundred and twenty-two of chapter two of the Acts of one thousand nine hundred and nineteen, regular session.

Application of law.

Time.

The parent, guardian, or other person having the custody or control of a minor who is required under the provisions of this section to attend a part-time school or class shall cause such minor to attend such school or class. A parent, guardian, or other person who refuses or fails to comply with this provision of the law shall be subject to the penalties provided in section one hundred and twenty-two of this chapter.

Duty of parents.

Any person, firm, or corporation employing a minor between the ages of fourteen and sixteen years shall permit the attendance of such minor upon a part-time school or class whenever such part-time school or class shall have been established in the district where the minor resides or may be employed, and upon the termination of employment of any such minor, the employer shall return within five days the employment certificate of such minor by mail to the school authorities and a person, firm, or corporation employing a minor over fourteen years of age and less than sixteen years of age contrary to the provisions of this section shall be subject to the penalties provided in section one hundred and twenty-six of this chapter. A person, firm, or corporation which has in its employ a minor who fails to attend a part-time school or class as required herein, shall immediately discontinue the services of such minor upon receiving from the school authorities written notice of the failure of such minor to attend such part-time school or class, and a person, firm, or corporation violating this provision of law shall be subject to a fine of twenty-five dollars for each offense.

Duty of employers.

Boards of education of districts and independent districts are hereby authorized to establish and maintain part-time and evening schools and classes. The board of education in charge of the schools of each city having a population of more than ten thousand according to the United States Census of one thousand nine

Schools to be established.

hundred and twenty shall, commencing with the school year beginning the first day of July, one thousand nine hundred and twenty-two, establish and maintain part-time schools or classes. The board of education in charge of the school of any city, town, or subdistrict in which there are fifty or more minors above the age of fourteen years and under the age of sixteen years who are not in regular attendance upon approved instruction shall, commence [commencing] with the school year beginning the first day of July, one thousand nine hundred and twenty-three, establish and maintain part-time schools or classes. Such schools or classes may be established in public-school buildings, in other buildings especially adapted for their operation, in manufacturing or mercantile establishments, and in factories. Such schools or classes, wherever they are established and maintained, shall be under the control and management of the board of education and shall be a part of the public-school system of the city or district which maintains them.

Sessions.

Such part-time schools or classes shall be kept in session on the regular school days and for as many hours each school year between the hours of eight o'clock forenoon and five o'clock afternoon as shall be necessary to provide the required instruction for such minors who reside in the city, town, or subdistrict. The course of study in such part-time schools or classes shall be approved by the State board of education.

Approved by the governor May 4, 1921.

CHAPTER 10.—*Vocational rehabilitation—State and Federal cooperation.*

[This act embodies the usual provisions of the laws on this subject, with an appropriation matching the Federal grant. See pp. 37, 38.]

CHAPTER 56.—*Protection of employees as voters.*

Time to vote.

SECTION 1. Any person entitled to vote at the primary or convention shall on the day of such primary or convention be entitled to absent himself or herself from any service or employment in which he or she is then engaged or employed for a period of two hours between the time of opening and closing the polls. He or she shall not be liable to any penalty nor shall any deduction be made on account of such absence from his or her usual salary or wages: *Provided, however,* That application for such leave of absence shall be made prior to day of primary or convention.

Influencing voter.

SEC. 2. Whoever, for the purpose of influencing a voter, seeks by violence or threats of violence, or threats to enforce the payment of a debt; or to eject or threaten to eject from any house he or she may occupy; to foreclose a lease or to enforce any contract affecting the tenant or renter, except as authorized by law; or to injure the business, trade, or calling of an elector; or, if any employer of laborers or any agent of such employer, threatens to withhold the wages of, or to dismiss from any service any laborer in his employment; or refuses to allow such employee time to attend the place of election and vote, shall be guilty of a misdemeanor and may be fined not more than two hundred dollars nor less than twenty-five dollars or confined in the county jail not more than three months.

Approved by the governor May 2, 1921.

CHAPTER 118.—*Mine regulations—Inspection districts.*

[This act amends section 7 of chapter 32, Acts of 1919, by providing for 22 inspection districts instead of 19 as in the original act.]

CHAPTER 145.—*Employment of children—Inmates of industrial homes.*

SECTION 1. It shall be unlawful for superintendents or other persons in whose custody children of the West Virginia industrial school for boys and West Virginia industrial home for girls are placed to permit said children to be employed in the factories or workshops outside of these institutions without first securing for them the permits required by the child labor law of West Virginia. Permits re-
quired.

Approved by the governor April 30, 1921.

CHAPTER 150.—*Public service commission—Safety provisions.*

[This act amends various sections of chapter 15-0 of the Code. Section 4, as amended, reads in part as follows:]

SECTION 4. Every person, firm, or corporation engaged in a public-service business in this State shall establish and maintain adequate and suitable facilities, safety appliances, or other suitable devices, and shall perform such service in respect thereto as shall be reasonable, safe, and sufficient for the security and convenience of the public and the safety and comfort of its employees, * * *. Every railroad and other transportation company may be required by the commission to establish and maintain such suitable public-service facilities and conveniences as may be reasonable and just, and to make reasonable connection with trains on branch lines of such railroads and with all connecting railroad lines; to require any passenger trains to stop at junctions or intersections with other railroads; and may prescribe the number of men required to constitute safe crews for the handling of trains on any steam railroad in this State or any division of any such railroad. * * * Safety appli-
ances, etc.

Crews.

Approved by the governor May 3, 1921.

WISCONSIN.

ACTS OF 1921.

CHAPTER 8.—*Bureau of labor and industrial statistics.*

[This act simply repeals sections 1021d-1 to 1021r of the Statutes relating to the bureau of labor and industrial statistics, whose powers were transferred to the industrial commission by chapter 485, Acts of 1911.]

Repealer.

CHAPTER 12.—*Industrial diseases—Reports.*

[This act renumbers section 1022-53m to section 69.49, and substitutes the industrial commission for the (obsolete) commissioner of labor and industrial statistics as the enforcing agency.]

Enforcement.

CHAPTER 35.—*Industrial commission—Factory, etc., regulations.*

[This act amends sections 1636-71 to 1636-76 of the Statutes relating to manufactures in tenements. These are repealed by chapter 259, which enacts new legislation on the subject. It also amends sections 1636-135 and 1636-139, relating to the enforcement of laws as to guarding dangerous machinery, by substituting the industrial commission for the (obsolete) commissioner of labor and factory inspector; also repeals the obsolete section 2394-47, and amends sections 2394-52 (1) and 2394-54 so as to conform with the transfer of the administration of labor laws to the industrial commission. The inspection of bakeries is not so transferred.]

Enforcement.

CHAPTER 185.—*Employment of children—General provisions.*

[This act creates a new section 1728a-2, which is renumbered by chapter 590, section 23a, to be section 1728a, subsection 6a. See chapter 434, below.]

CHAPTER 193.—*Street railways—Safety provisions.*

SECTION 1. A new section is added to the Statutes to read:

SECTION 1636q-7. 1. Every corporation owning or operating a street or interurban car line in this State shall equip each of its motor-driven cars with a suitable mechanical device designed for the removal of snow and water from a sufficient portion of the window in front of the motorman to afford an unobstructed view. Such device shall be attached to such window so as to permit its being used by the motorman without leaving his position while operating said car. Such mechanical device is to be of a design approved by the railroad commission.

Window cleaner.

2. Any such corporation neglecting or refusing to comply with the provisions of this section shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Violations.

Approved May 3, 1921.

CHAPTER 259.—*Factory, etc., regulations—Manufactures in tenements.*

[This act repeals sections 1636-71 to 1636-77 of the Statutes, and enacts two new sections, as follows:]

SECTION 1. Sections 1636-71 to 1636-77, inclusive, of the Statutes are repealed.

SEC. 2. Two new sections are added to the Statutes to read:

Permits re-
quired.

Sec. 1729r. No owner or lessee of any factory, nor any manager, employe, or agent, of such owner or lessee, and no contractor doing work for any factory shall contract with any person to manufacture, alter, repair, or finish any articles in any tenement or dwelling house, or in any shed or other building situated in the rear of any tenement or dwelling house, unless there has been secured a permit from the industrial commission authorizing such factory or contractor to engage in home-work manufacture. Such permits shall be conditioned upon compliance with sections 1728a to 1728i, inclusive, sections 1729s-1 to 1729s-12, inclusive, and section 1418c of the Statutes, and upon furnishing to the industrial commission any information which it may require to determine whether these provisions of the Statutes are complied with in such home-work manufacture. Failure to faithfully observe these conditions shall be cause for the revocation of such permits. So far as not inconsistent with the provisions of this section the provisions of sections 2394-41 to 2394-70, inclusive, of the Statutes, are made a part thereof, and the penalties therein shall be applied to and be imposed for any violations of this section.

License for
premises.

Sec 1418c. 1. No articles shall be manufactured, altered, repaired, or finished for the owner or lessee of any factory or contractor for such owner or lessee in a tenement or dwelling house or in a shed or other building situated in the rear of a tenement or dwelling house unless such owner or lessee or such contractor for whom such work is done shall have secured a license from the commissioner of public health or health officer of the town, village, or city in which such tenement or dwelling house is located, which shall designate the room, apartment, or building in which such manufacture is to be carried on and name of the persons to be employed therein. Such license shall not be granted until such owner or lessee or such contractor shall have paid to the commissioner of public health or health office[r] a fee of one dollar, and until such commissioner of public health or health officer shall have satisfied himself through inspection that such room, apartment, or building are [is] clean and fit to be used for purposes of manufacture and that none of the persons employed or living therein are afflicted with any infectious or communicable disease likely to be transmitted to consumers. Such license shall be issued for a period of one year but may be sooner revoked if upon reinspection it is found that conditions have developed that render such revocation necessary to protect the health of the community. At least one reinspection shall be made during each year. Licenses issued pursuant to this subsection shall be kept on file in the principal office of the person, firm, or corporation procuring the same. Full power to make inspections necessary to carry out the provisions of this subsection and to prevent violations thereof is hereby conferred upon the commissioners of public health and local health officer of towns, villages, and cities.

Rules, etc.

2. The State board of health and the State industrial commission shall have power jointly to adopt and enforce rules and regulations for the guidance of commissioners of the public health and local health officers in the discharge of their duties under subsection 1 of this section. It shall have power also to prohibit home work upon specified articles when such prohibition is necessary to protect the health of consumers or the health of homeworkers. The provisions of subsections 3 and 4 of section 1407a-6 of the Statutes shall be applicable to rules and regulations adopted pursuant to this subsection.

Labels.

3. Every owner or lessee of any factory and any contractor for such owner or lessee giving out articles or materials to be manufactured, altered, repaired, or finished in any tenement or dwelling house or in a shed or other building situated in the rear of a tenement or dwelling house, shall issue with such articles or materials a label bearing the name or place of business

of such factory, written or printed legibly in English. They shall also keep a register of the names and addresses of the persons to whom such articles or materials are given to be so manufactured, altered, repaired, or finished or with whom they contracted to do the same, which register shall also show the quantities given out and completed and the wages paid for such home work. This register shall be subject to inspection on demand by the health officer or any deputy State health officer, or by the commissioner of public health or local health officer of any town, village, or city in which such factory or contractor is having articles manufactured, altered, repaired, or finished in tenement or dwelling houses, or by any deputy of the industrial commission.

Register.

4. Any person, firm, or corporation, or manager, or agent thereof who shall give out any materials to be manufactured, altered, repaired, or finished for any owner or lessee of any factory or contractor for any such factory in any tenement or dwelling house, or in a shed or other building situated in the rear of a tenement or dwelling house, for which a license has not been issued as provided in subsection 1 of this section, or who shall employ, hire, or contract with any person to do such work without such license, shall forfeit to the State of Wisconsin a sum of not less than ten dollars nor more than one hundred dollars for each such offense.

Work without license.

Approved May 17, 1921.

CHAPTER 262.—*Factory, etc., regulations—Machinery to have safety devices.*

SECTION 1. A new section is added to the Statutes to be numbered and to read:

Section 2394—72. No machine, mechanical device, or steam boiler shall be installed or used in this State which does not fully comply with the requirements of the laws of this State enacted for the safety of employees and frequenters in places of employment and public buildings and with the orders of the industrial commission adopted and published in conformity with sections 2394—41 to 2394—70, inclusive, of the Statutes. Any person, firm, or corporation, violating the provisions of this act shall be subject to the forfeitures provided in sections 2394—60 and 2394—70 of the Statutes.

Compliance with laws, etc.

Approved May 18, 1921.

CHAPTER 323.—*Employment of children—General provisions.*

[This act amends section 1728a—3 (2) (2), which is renumbered in codifying, to be section 1728a (5) (b). See chapter 434.]

CHAPTER 340.—*Employment of children—Certain advertisements forbidden.*

[This act adds a new section 1729r to the Statutes, renumbered in codifying, to be section 1728c (4). See chapter 434.]

CHAPTER 395.—*Employment of children—General provisions.*

[This act adds a new subsection 5 of section 1729a of the Statutes, renumbered in codifying, to be section 1728a (4a). See chapter 434.]

CHAPTER 411.—*Employed children—School attendance.*

[This act amends (section 1728c-1)1, and is in turn amended by chapter 513, below.]

CHAPTER 417.—*Employment of females—Bell hops.*

[This act became section 1728a.3.(d) (2), as given in chapter 434.]

CHAPTER 434.—*Employment of children.*

[This act repeals a number of sections and reenacts without substantive change the child labor law for purposes of codification and of simplification of form. With amendments of the session of 1921, the complete law, as published by the industrial commission, is as follows:]

Terms. SECTION 1728a. 1. The terms "place of employment," "employment," "employer," "employee," "frequenter," "deputy," "order," "local order," "general order," "special order," "welfare," "safe," and "safety," as used in sections 1728a to 1728e, inclusive, shall be construed as defined in section 2394—41 of the Statutes.

Dangerous, etc., employments. 2. (a) No employer shall employ or permit any minor or any female to work in any place of employment, or at any employment dangerous or prejudicial to life, health, safety, or welfare of such minor or such female, or where the employment of such minor may be dangerous or prejudicial to the life, health, safety, or welfare of other employees or frequenters.

Classifications. (b) It shall be the duty of the industrial commission, and it shall have power, jurisdiction, and authority to investigate, determine, and fix reasonable classifications of employments and places of employment, minors, and females, and to issue general or special orders prohibiting the employment of such minors or females in any employment or place of employment dangerous or prejudicial to the life, health, safety, or welfare of such minor or female, and to carry out the purposes of sections 1728a to 1728e, inclusive, of the Statutes.

Procedure. (c) The investigations, classifications and orders provided for in paragraph (b) of this section and any action, proceeding, or suit to set aside, vacate, or amend any such order of the commission, or enjoin the enforcement thereof, shall be made pursuant to sections 2394—41 to 2394—70, inclusive, of the Statutes, and every order of the commission shall have the same force and effect as the orders issued pursuant to sections 2394—41 to 2394—70, inclusive, of the Statutes.

Schedule. 3. Until such time as the industrial commission shall investigate, determine and fix the classifications provided for in paragraph (b) of subsection 2 of this section, the employments and places of employment designated in the following schedule shall be deemed to be dangerous or prejudicial to the life, health, safety or welfare of minors or females under the ages specified:

Prohibited employments: (a) Minors under twenty-one years of age:
 Minors under 21; In cities of the first, second, and third class, before six o'clock in the morning and after eight o'clock in the evening of any day, as messenger for a telegraph or messenger company in the distribution, transmission, or delivery of messages or goods.

Under 18; (b) Minors under eighteen years of age:
 (1) Blast furnaces; in or about. (2) Boats and vessels engaged in the transportation of passengers or merchandise; pilot; fireman; engineer. (3) Docks; in or about. (4) Dusts; operating or using any emery, tripoli, rouge, corundum, stone carborundum, and abrasive or emery polishing or buffing wheel, where articles of the baser materials, or of iridium, are manufactured; but apprentices indentured under section 2377 of the Statutes may grind their town tools on emery wheels under supervision, if all general orders of the industrial commission relating to such work are observed. (5) Electric wires; on the outside erection and repair of electric wires, including telegraph and telephone wires. (6) Elevators; in the running or management of any elevators, lifts or hoisting machines; but apprentices indentured under section 2377 of the Statutes may use hand hoists or pneumatic hoists in bringing material from machinery at which they are em-

ployed as a part of their training under the terms of their indenture. (7) Explosives; in or about establishments where nitroglycerin, dynamite, dualin, guncotton, gunpowder, or other high or dangerous explosives are manufactured, compounded or stored. (8) Matches, in dipping, dyeing, or packing. (9) Mine or quarry; in or about. (10) Oiling or cleaning, in oiling or cleaning dangerous or hazardous machinery in motion. (11) Railroads, street railways, and interurban railroads; switch-tending, gate-tending, or track repairing; as brakeman, fireman, engineer, motorman, conductor, telegraph operator. (12) Wharves; in or about. (13) Females; in the distribution or delivery of messages for any telegraph or telephone company or other employer engaged in similar business.

(c) Minors under sixteen years of age:

(1) Bakeries; dough brakes or cracker machinery of any description. (2) Belts; adjusting belts (in motion); sewing belts (in any capacity). (3) Boilers; operating any steam boiler or steam-engineering apparatus. (4) Bowling alleys; as pin boys. (5) Building trades; on scaffolding or on a ladder or in heavy work. (6) Burnishing machines in any tannery or leather manufacturing. (7) Corrugating rolls in roofing or washboard factories. (8) Dusts; occupations causing dust in injurious quantities. (9) Emery or polishing wheel for polishing metal. (10) Immoral purposes; manufacture of goods for. (11) Iron and steel, wire or iron-straightening machinery, punchers or shears. (12) Laundry machinery. (13) Liquors; in or about any store, brewery, distillery, bottling establishment, hotel barroom, saloon, saloon dining room or restaurant, any place in connection with a saloon or a similar place of any name, or in or about any dance hall, bowling alley, pool room, beer garden, or similar place of any name, in which strong, spirituous, or malt liquors are made, bottled, sold, or given away. (14) Machinery; oiling or assisting in oiling, wiping, or cleaning any machinery in motion. Operating or assisting in operating or taking material from any circular or band saw, or any crosscut saw or slasher, or other cutting or pressing machine from which material is taken from behind. (15) Paints and poison; manufacture of paints, colors, or white lead. Manufacture of any composition in which dangerous or poisonous acids are used. Manufacture or preparation of compositions of dangerous or poisonous dyes. Manufacture or preparation of compositions with dangerous or poisonous gases. Manufacture or preparation of composition of lye or in which the quantity thereof is injurious to health. (16) Presses; cylinder or job, boring or drill. (17) Rubber, washing, grinding, or mixing mill or calendar rolls in rubber manufacturing. (18) Stamping machines; in sheet-metal and tinware manufacturing. In washer and nut factory. In lace, paper and leather manufacturing. (19) Theater or concert hall. (20) Tobacco; in any tobacco warehouse, cigar, or other factory where tobacco is manufactured or prepared. (21) Woodworking; wood shaper, wood jointer, planer, sandpaper, wood polishing, or wood turning machine. (22) Wool, cotton, hair, upholstering; carding machine or machine used in picking wool, cotton, hair, or any upholstering material. (23) Any other employment dangerous to life or limb, injurious to the health, or depraving to the morals.

(d) Females:

(1) Any female under seventeen years of age in any capacity where such employment compels her to remain standing constantly. (2) Any female in or about any mine or quarry. (3) No female under the age of twenty-one years shall be employed as a bell hop in any hotel.

4. (a) No child between the ages of fourteen and seventeen years unless indentured as an apprentice, as provided in section 2377 of the Statutes, shall be employed, or permitted to work at any time in any factory, workshop, store, hotel, restaurant, bakery, mercantile establishment, laundry, telegraph, telephone or

Under 16.

Females.

Permits.

public messenger service, or the delivery of any merchandise, or at any gainful occupation, or employment, directly or indirectly, or, in cities wherein a vocational school is maintained, in domestic service other than casual employment in such service, unless there is first obtained from the industrial commission, or from a judge of a county, municipal, or juvenile court designated by the industrial commission where such child resides, or from some other person designated by the industrial commission, a written permit authorizing the employment of such child in such employment within such time or times as the said industrial commission or a judge or other person designated by said commission may fix: *Providing*, That such times shall not conflict with those designated in subsection 8 of this section.

Age limit,
Exemption.

(b) No child under the age of fourteen years shall be employed, or permitted to work at any gainful occupation or employment, except that during the vacation of the public or equivalent school in the town, village, or city where any child between the ages of twelve and fourteen years resides, it may be employed in any store (not in any drug store nor in the delivery of merchandise), office (not a factory or printing office), mercantile establishment, warehouse (not a factory or tobacco warehouse), telegraph, telephone or public messenger service, in the town, village or city where it resides and not elsewhere: *Provided*, That it shall have first obtained a permit in the same manner and under the same conditions as prescribed in paragraph (a) of subsection 4 of this section. For such vacation permit no proof of educational qualifications shall be necessary. This paragraph shall not be construed to authorize the employment of any child under fourteen years of age in the delivery of merchandise.

Exemption.

4a. Except for employment in domestic service as provided in subsection 4 of this section, which employment involves the attendance of the child at vocational school, the permit provided for in said subsection shall not be required during school vacations for employment of children of the ages therein specified in any work usual to the home of the employer: *Provided*, That such employment shall not be in connection with nor form a part of the business, trade, profession, or occupation of the employer: *And provided further*, That such employment shall not be specifically prohibited by any provision of this section nor by any order of the industrial commission issued under its authority. Children between fourteen and seventeen years of age may be likewise employed in any work usual to the home of the employer without permits during school terms but not during the daily period of the school session if such children are in actual, regular and full time attendance as provided by law at any public, private or parochial school and maintain in such school a passing grade in all studies pursued by them. This subsection shall not authorize the employment of a child who is at the time guilty of truancy or deficiency in his studies.

Requirements
for labor per-
mits.

5. The permit provided for in subsection 4 of this section shall contain the signature of the vocational school director where the child is to attend and state the name, the date and place of birth of the child, the color of hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the following evidence, records and papers have been duly examined, approved and filed.

Proof of age.

(a) Such evidence as is required by the industrial commission showing the age of the child. The industrial commission shall formulate and publish rules and regulations governing the proof of age of minors who apply for labor permits, and such rules and regulations shall be binding upon all persons authorized by law to issue such permits.

Schooling cer-
tificate.

(b) A certificate of the superintendent of schools or the principal of the school last attended by the child, or in the absence of both of the aforementioned persons, a certificate of the school board, showing that such child is more than fourteen years

of age, and stating also the date and place of birth of such child, and the number of years such child has attended school. Such certificate shall contain the further statement that such child has passed successfully the seventh grade in the public school, or in some school having a substantially equivalent course, or that it has attended school for at least eight years. Attendance at kindergarten shall not be counted as a part of the nine years of school attendance. It shall be the duty of such superintendent, principal or clerk to issue such certificate upon receipt of any application in behalf of any child entitled thereto.

(c) A letter written on the regular letterhead or other business paper used by the person who desires to employ the child, stating the intention of such person to employ such child and signed by such person or someone duly authorized by him.

Employment.

6. (a) The permits provided for in subsection 4 of this section shall be issued upon blanks furnished by the industrial commission and shall be made out in duplicate. One of such duplicates shall be forthwith returned to the industrial commission, together with a detailed statement of the character and substance of the evidence offered prior to the issuance of such permit. Such statement shall be made upon blanks furnished by the industrial commission.

Duplicate permits.

(b) Whenever it shall appear to the industrial commission that any permit has been improperly or illegally issued, or that the physical or moral welfare of the child would be best served by the revocation of the permit, the said commission may forthwith, without notice, revoke the same, and shall by registered mail notify the person employing such child and the child holding such permit of such revocation. Upon receipt of such notice, the employer employing such child shall forthwith return the revoked permit to the industrial commission and discontinue the employment of the child.

Revocation.

(c) The industrial commission or other person designated under the provisions of subdivision (a) of subsection 4 of this section, may refuse to grant permits in the case of children who may seem physically unable to perform the labor at which they are to be employed. They may also refuse to grant a permit if, in their judgment, the best interests of the child would be served by such refusal.

Refusal of permits.

(d) Nothing contained in sections 1728a to 1728e, inclusive, of the Statutes, shall be construed to forbid any child from being employed in agricultural pursuits, nor to require a permit to be obtained for such child.

Agricultural pursuits.

6a. (a) In case any applicant for employment claims to be more than seventeen years of age, and that he or she is unable to furnish documentary proof of his or her date of birth, the county court of the county wherein such applicant resides may, by judgment, establish the age and the date and place of birth of such person.

Establishing age.

(b) Proceedings for such purpose shall be had only upon the verified petition of the applicant, setting forth his full name, his residence during the five years next preceding the filing of the petition, the date, and the place of his birth, the full names of his parents and the residence of each, the period of time spent in school and the grade he or she has completed.

(c) A notice stating therein the general nature of the application and the time and place of the hearing, shall be published at least once in some newspaper published in the county, to be designated by the court, such publication to be made at least ten days prior to the date fixed for the hearing. Proof of publication shall be made by affidavit of the publisher.

(d) At the hearing of the petition, testimony shall be taken as to all matters contained therein and the same shall be preserved and filed in the proceeding. If it shall satisfactorily appear that the applicant is unable to establish his age by a birth certificate filed or recorded, as required by law, in the State or country of his birth, or by a verified baptismal certificate issued under the seal

of the church in which the applicant was baptized, showing that the applicant was baptized at least five years prior to the filing of the petition, and the court shall be satisfied as to the age of the applicant and the date and place of his birth, it shall determine the same and make findings accordingly.

(e) A certified copy of such findings shall be conclusive evidence of the age of the applicant in any proceedings under any of the labor laws and workmen's compensation laws of this State, as to any act or thing occurring subsequent to the date of the judgment.

7. Every employer employing or permitting a minor to work as provided in this section shall:

Duties of employer.

(a) Receive and file the permit before the minor is permitted to do any work and shall keep the same on file during the entire period of the employment of the minor and subject at all times to the inspection of the industrial commission or any truant officer.

(b) Post in a conspicuous place in each of the several departments in or for which minors under sixteen years of age are employed a list on a printed form furnished by the industrial commission stating the names, ages, and hours required of each child during each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or other meals begin and end.

(c) Upon the termination of employment of any minor, return within twenty-four hours the permit for employment of such minor to the person and place designated by the industrial commission, with a statement of reasons for the termination of said employment. Any employer who fails to return the permit of any minor as provided in this paragraph, shall be liable in action to such minor for two dollars for each day during which such failure continues.

Hours of labor.

8. (a) No child under the age of sixteen years shall be employed or permitted to work at any gainful occupation, other than domestic service or farm labor, for more than forty-eight hours in any one week, nor more than eight hours in any one day, nor before the hour of seven o'clock in the morning nor after the hour of six o'clock in the evening, nor more than six days in any one week. In any locality where daylight savings plan has been adopted the words "seven o'clock in the morning and six o'clock in the evening," as hereinbefore used, shall mean seven o'clock in the morning according to daylight savings and six o'clock in the evening according to daylight savings shall remain in force in said locality. In occupations in which the hours of labor of women are regulated under the provisions of the Statutes, the dinner period for girls under sixteen shall not be shorter than that provided for adult women. In occupations in which the hours of labor of women are not regulated under the provisions of the Statutes, the dinner period for girls under sixteen shall not be less than one hour. In no case shall the dinner period allowed to boys under sixteen years of age be less than thirty minutes. During such dinner period, the power shall be disengaged from machinery operated by children under sixteen years of age and no work shall be permitted.

Cigar factories.

(b) No person under eighteen years of age shall be employed or permitted to work in a cigar shop or cigar factory at manufacturing cigars for longer than eight hours a day or forty-eight hours a week.

Public exhibitions.

SEC. 1728b. 1. No child under sixteen years of age shall be employed, or permitted to sing, play or perform in any circus, theatrical or musical exhibition, concert or festival, or in any public place, unless there is first obtained from the industrial commission, county judge, municipal judge or the judge of a juvenile court where the child resides, if such child is a resident of this State, and from a county judge, municipal judge, or judge of a juvenile court of this State if such child is not a resident of this State, a written permit authorizing the appearance of such child at such places, at such times as the said industrial commission, county

judge, municipal judge, or judge of a juvenile court may fix: *Provided*, That it appears to the satisfaction of such industrial commission, county judge, municipal judge, or judge of a juvenile court, that the appearance of such child shall not be detrimental to its morals, health, safety, welfare or opportunities for education equivalent to those of the common schools: *Provided, also*, That a child under fourteen years of age shall be accompanied by a parent or guardian, approved by the said industrial commission, county judge, municipal judge or judge of a juvenile court.

2. The provisions of this section shall not prevent the education of children in music nor their employment as musicians or participants in a church, chapel, or school exhibition, nor in any home talent exhibition given by the people of the local community, nor shall permits of any kind be required for such activities.

Proviso.

SEC. 1728c. (a) The industrial commission and truant officers shall visit and inspect at all reasonable times, and as often as possible, all places covered by sections 1728a to 1728c, inclusive, of the Statutes.

Inspection.

(b) Any person, being the owner or lessee of any opera house, theater, or moving picture house, or any similar place of any name, or having in whole or in part, the management or control thereof, shall be responsible for any violation of sections 1728a to 1728e, inclusive, of the Statutes, on the premises of such opera house or similar place of any name.

(c) The failure of any employer to produce for inspection to the industrial commission, or truant officers, the permit provided for in subsection 4 of section 1728a, shall be prima facie evidence of unlawful employment of the minor. The presence of any minor in any factory, workshop, or other place of employment, shall be prima facie evidence of the employment of such minor. The presence of any child under sixteen years of age in any factory, workshop, or other place of employment at any time other than that named on the posted hours of labor, as provided in subsection 7 of section 1728a, shall be prima facie evidence of the unlawful employment of such child.

(4) (a) No person, firm, or corporation, during the term that the public schools are in session, shall advertise or cause or permit any advertisement to be published in any newspaper for the labor or services of any child during school hours in any employment for which a labor permit is required under the provisions of section 1728a of the Statutes which does not specifically state the minimum age of the child whose services are desired, which age must be above that for which a labor permit is required.

Advertising.

(b) No person, firm, or corporation, or paid agent thereof, shall solicit in the schools or homes of this State, children of permit age to leave school and enter their employment, if a labor permit is required for such employment by section 1728a of the Statutes.

(c) Any person, firm, or corporation who shall violate any of the provisions of this section, shall forfeit and pay into the State treasury a sum not less than ten dollars nor more than one hundred dollars for each such offense. Every day during which any person, firm, or corporation violates any of the provisions of this section, shall constitute a separate and distinct offense.

SEC. 1728d. (1) Whenever any day vocational school shall be established in any town, village, or city in this State for minors, working under permit as now provided by law, every such child residing or employed within any town, village, or city in which any such school is established, who has not completed four years of work above the eight elementary grades, and who is not in attendance at some other public, private, or parochial school at least half time shall attend such school not less than half time in the daytime until the end of the school term, quarter, semester, or other division of the school year in which he is sixteen years of age, and after that eight hours a week until the end of the

Attendance on
part-time schools.

term, quarter, semester, or other division of the school year in which he is eighteen years of age, for at least eight months in each year, and for such additional months or parts thereof as the other public schools in such city, town, or village are in session in excess of eight during the regular school year, or the equivalent as may be determined by the local board of industrial education, and every employer shall allow all minor employees a reduction in hours of work of not less than the number of hours the minor is by law required to attend school. Whenever the working time and the class time coincide, such reduction in hours of work shall be allowed at the time when the classes which the minor is by law required to attend are held.

(2) This act shall take effect upon passage and publication, but in cities in which suitable quarters are not available, and in cities in which new buildings are in process of erection, the State board of vocational education may, for a reasonable period not to extend beyond September 1, 1923, provide for temporary continuation of the present legal requirements and a gradual transition to the requirements established by this act.

Total hours.

(3) The total hours of schooling and employment for minors under sixteen years of age shall not exceed eight in any one day and forty-eight in any one week, and the total hours of schooling and employment for boys over sixteen and under seventeen years of age shall not exceed fifty-five in any one week; except when the minor shall attend school a greater number of hours than is required by law, in which case the total number of hours may be increased by the excess of the hours of school attendance over the minimum prescribed by law.

Violations.

SEC. 1728e. (a) Any employer who shall employ, or permit any minor or any female to work in any employment in violation of any of the provisions of sections 1728a to 1728e, inclusive, of the Statutes or of any order of the industrial commission issued under the provisions of said sections, or shall hinder or delay the industrial commission or truant officers in the performance of their duties, or refuse to admit or lock out any such officer from any place required to be inspected under the provisions of sections 1728a to 1728e, inclusive, of the Statutes, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars for each offense, or imprisoned in the county jail not longer than thirty days. Every day during which such violation continues shall constitute a separate and distinct offense.

(b) The penalties specified in paragraph (a) of this section may be recovered by the State against any employer in an action for debt brought before any court of competent jurisdiction.

Parents' liability.

(c) Any parent or guardian who suffers or permits a child to be employed or to work in violation of any of the provisions of sections 1728a to 1728e, inclusive, of the Statutes, or of any order of the industrial commission issued under the provisions of said sections, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars for each offense, or imprisoned in the county jail not longer than thirty days.

Proof of age.

(2) Whenever in any proceeding in any court under any of the provisions of sections 1728a to 1728e, inclusive, of the Statutes, or of any order of the industrial commission issued under the provisions of said sections, there is any doubt as to the age of the child, a verified baptismal certificate or duly attested birth certificate shall be produced and filed with the court. In case such certificate can not be secured, upon proof of such fact the record of age stated in the first school enrollment of such child shall be admissible as evidence thereof.

CHAPTER 457.—*Employment of children—Hours of labor.*

[This act became section 1728a. 8.(a). See Child Labor Code, chapter 434.]

CHAPTER 458.—*Antitrust law—Restriction of output.*

SECTION 1. Section 1747e of the Statutes is renumbered to be subsection 1 of said section and is amended to read: Section 1747e. 1. Every contract or combination in the nature of a trust or conspiracy in restraint of trade or commerce is hereby declared illegal. Every combination, conspiracy, trust, pool, agreement, or contract intended to restrain or prevent competition in the supply or price of any article or commodity in general use in this State, to be produced or sold therein or constituting a subject of trade or commerce therein, or which combination, conspiracy, trust, pool, agreement, or contract shall in any manner control the price of any such article or commodity, fix the price thereof, limit or fix the amount or quantity thereof to be manufactured, mined, produced, or sold in this State, or fix any standard or figure in which its price to the public shall be in any manner controlled or established, is hereby declared an illegal restraint of trade. Every person, corporation, copartnership, trustee, or association who shall either as principal or agent become a party to any contract, combination, conspiracy, trust, pool, or agreement herein declared unlawful or declared to be in restraint of trade, or who shall combine or conspire with any other person, corporation, copartnership, association, or trustee to monopolize or attempt to monopolize any part of the trade or commerce in this State shall forfeit for each such offense not less than one hundred dollars nor more than five thousand dollars. Any such person, corporation, copartnership, trustee, or association shall also be liable to any person transacting or doing business in this State for all damages he may sustain by reason of the doing of anything forbidden by this section.

What contracts, etc., illegal.

Penalties.

Approved June 27, 1921.

CHAPTER 460.—*Payment of wages—Semimonthly pay day.*

[This act amends section 1729a, as amended by chapter 114, Acts of 1915, by specifying the 15th and last days of each month as pay days for corporations, not more than 16 days' pay to be held back, instead of 18 as formerly. A new sentence provides that when the semimonthly pay day falls on a Sunday or holiday, payment shall be made "on the previous business day," if more than 8 days' wages are due.]

Payments, when.

CHAPTER 513.—*Employed children—School attendance.*

[This act amends section 1728c-1.1, renumbered in codifying, to be section 1728d (1). See Child Labor Code, chapter 434.]

CHAPTER 534.—*Vocational rehabilitation—State and Federal cooperation.*

[While this act includes the standard provisions of the laws of the various States on this subject (see pp. 37, 38), it embraces such other provisions as to suggest its reproduction in full:]

SECTION 1. Two new sections are added to the Statutes to read: 41.215 (1) The Legislature of the State of Wisconsin hereby assents to and accepts the provisions and benefits 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 employment," approved June 2, 1920. The State board of vocational education shall cooperate with the Federal Board for Vocational Education to carry out the purposes of such act. The State treasurer is designated and appointed custodian of all moneys received by the State from appropriations made by the Congress of the United States under the authority of such act, and is authorized to receive and provide for the proper custody of same and to make disbursements therefrom upon the order of the State board of vocational education.

Acceptance of act.

Definitions.

- (2) This act may be cited as "The Rehabilitation Law."
- (3) As used in this section the terms:
- (a) "Physically handicapped person" means 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, and who may reasonably be expected to be fit to engage in a remunerative occupation after completing a vocational rehabilitation course.
- (b) "Rehabilitation" means the rendering of a physically handicapped person fit to engage in a remunerative occupation.
- (c) "Board" means the State board of vocational education.
- (d) "Federal act" means 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 employment," approved June 2, 1920.
- (4) The provisions of this section shall not apply to any person who, in the judgment of the board, may not be susceptible of rehabilitation.
- (5) Any physically handicapped person who has been domiciled within the State for one year or more, or who resides in the State and shall so reside at the time of becoming physically handicapped, may apply to the board for advice and assistance relative to his rehabilitation.

Duty o. board.

- (6) The board shall:
- (a) Provide that all persons reporting or making application to it as physically handicapped shall be promptly visited by its agent or representative with a view of determining whether or not vocational rehabilitation is feasible; acquaint all such persons for whom vocational rehabilitation is feasible with the rehabilitation facilities afforded by the State and counsel them regarding the selection of a suitable vocation; register all such persons electing to take advantage of the benefits of rehabilitation offered and prescribe and provide such training as may be necessary to insure their vocational rehabilitation; maintain a record of all such persons, together with the measures taken for their rehabilitation; utilize in the rehabilitation of such persons such existing educational facilities of the State as may be advisable and practicable including public and private educational institutions, public and private establishments, plants or factories, and the services of persons specially qualified for the instructing of physically handicapped persons.
- (b) Promote and aid in the establishment of schools and classes for the rehabilitation of physically handicapped persons; supervise the training of such persons and confer with their relatives and other persons interested concerning any matter affecting their vocational rehabilitation.
- (c) Aid physically handicapped persons in securing such employment as will facilitate their training or will be suitable to their condition and provide for the placement in suitable gainful occupation of persons completing courses of training provided by the board, including supervision for a reasonable time after placement.
- (d) Utilize the facilities of such agencies, both public and private, as may be practicable in securing employment for such persons, and all public agencies are authorized and directed to cooperate with the board for the purposes stated.
- (e) 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 can not be otherwise provided. The proceeds of the sale thereof shall be paid to the State treasurer and shall be held by him in a special fund for the purpose of this paragraph. Payments from this fund shall be made at the direction of the board.
- (f) Arrange for the physical examination of any person applying for or reported as needing rehabilitation, except persons re-

ported by the industrial commission; and arrange for such therapeutic treatment as may be necessary for rehabilitation of any physically handicapped person who registered with the board, except persons who are entitled to such treatment under the workmen's compensation law.

(g) Cooperate with any department in the State government or with any county or other municipal authority within the State, or with any private agency, in carrying out the provisions of this section.

(h) Make such rules and regulations as may be necessary to carry out the provisions of this section.

(i) Report to the governor and to the Federal Board for Vocational Education annually on or before September first for the year ending the preceding June thirtieth.

(7) The board may also provide maintenance cost during actual training for physically handicapped persons registered for rehabilitation, except persons entitled to maintenance under the workmen's compensation law; but when the payment of maintenance cost is authorized by the board, it shall not exceed twenty 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 board.

Maintenance.

(8) The industrial commission shall communicate to the board all reports made to the said commission of cases of injury to employees which in the opinion of the commission may render the person injured physically handicapped; and shall cooperate with the board in carrying out the provisions of this section.

Reports of injuries.

(9) The State board of health shall:

(a) Cooperate with the board in arranging with all public and private hospitals, clinics, and dispensaries, and with practicing physicians, to send to the board 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.

Board of health.

(b) Arrange with health officers to send to the board prompt and complete reports of 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.

(c) Cooperate generally with the board in carrying out the provisions of this section.

(10) The board and the industrial commission shall cooperate in carrying out the provisions of this section according to a plan which shall be formulated by them and which shall be effective when approved by the governor.

Plans.

(11) The board may receive and accept gifts and donations, which may be offered unconditionally, for the purposes of this section. 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 board. 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 included in the annual report of the board.

Gifts.

Sec. 2394—9m. An employee who is entitled to and is receiving rehabilitation instruction pursuant to section 41.215 shall, in addition to his other indemnity, be paid a sum sufficient to maintain him during rehabilitation, subject to the following conditions and limitations:

Payments.

(a) He must undertake the course of instruction within sixty days from the date when he has sufficiently recovered from his injury to permit of his so doing, or as soon thereafter as the State board of vocational education shall provide opportunity for his rehabilitation.

Conditions.

(b) He must continue in rehabilitation training with such reasonable regularity as his health and situation will permit.

(c) He may not have maintenance in excess of ten dollars per week during training, nor for a maintenance period in excess of twenty weeks in all.

(d) The commission shall determine the rights and liabilities of the parties under this section in like manner and with like effect as it does other issues under compensation.

Approved July 12, 1921.

CHAPTER 590.—*Employment of children, etc.*

[This act renumbers, amends, and corrects various enactments. The changes are embodied in the acts as printed.]

WYOMING.

ACTS OF 1921.

CHAPTER 109—*Vocational rehabilitation—State and Federal cooperation.*

[This act accepts the provisions and benefits of the Federal law, and directs the State board of education to take the proper action, appropriating the sum of \$10,000 for the biennium.]

CHAPTER 110.—*Vocational rehabilitation of injured workers.*

SECTION 1. Whenever the State board of education shall have determined that a person disabled in industry, or otherwise, is entitled to vocational rehabilitation, the State board of education shall present to the district judge of the county in which such disabled person is a resident the proofs of such disability and the recommendation for vocational rehabilitation, and whenever the said district judge shall have approved the records as submitted by the State board of education, he shall award a maintenance fund of ten dollars a week for a period not exceeding forty weeks, and upon such determination shall transmit to the State auditor his order directing such payment, and upon the receipt of such order the State auditor shall issue his warrant upon the State treasurer for the payment of said sums, the same to be paid to the individual out of the amounts contributed by the State to the workmen's compensation fund. The State board of education shall report to the State auditor within one week thereafter the discontinuance of training on the part of any disabled person previously approved, and upon the receipt of such information the weekly payments herein provided shall cease.

Approved February 21, 1921.

UNITED STATES.

ACTS OF 1921—SIXTY-SEVENTH CONGRESS—FIRST SESSION.

CHAPTER 33.—*Army appropriation—Rates of wages of civilian employees.*

SECTION 2. No part of the moneys appropriated in this act shall be used for paying to any civilian employee of the United States Government an hourly wage or salary larger than that customarily paid by private individuals for corresponding work in the same locality.

Approved June 30, 1921.

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