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**LAWS RELATING TO
PAYMENT OF WAGES**

BY

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Of the United States Bureau of Labor Statistics



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INTRODUCTION

It is proposed in this bulletin to present the legislation of the various States and of the United States that bears upon the payment of wages, such as laws fixing time, mode, and place of payment and the regulation of deductions, assignments, suits, exemptions, preference of wage claims, etc., but omitting those relating to mechanics' liens, contractors' bonds, and similar provisions for securing the payment of wages.

As distinguished from an earlier study in this field,¹ the present bulletin is concerned with a presentation, in either full or abridged form, of the statutes relating to the payment of wages, with some account of the decisions construing them, rather than with the historical and social aspects discussed in the former volume.

Legislation of this class is clearly an interference with the freedom of contract, with the evident purpose of protecting the weaker party to the bargain against the disadvantage of his inferior position, such regulation being regarded as a matter of the public welfare. How far it is possible for the State to go in establishing such regulations is not a fully settled problem. Various laws have been enacted bearing on the subject which have been declared unconstitutional, while the construction placed on others has established doctrines previously rejected. Many laws are directed to the full and exact recovery by the workman of the entire sum contracted for, providing for payment at intervals convenient with regard to his welfare and in a form permitting his free use of his earnings as an instrument of purchase. A definite barrier seems to exist at the present time against any determination as to the amount of the wages to be paid, though in almost every other aspect the law may exercise control. An exception with regard to rate making exists as to railroads and in the field of public employment, the State being held to have the right to fix a rate which it will pay and which contractors in its service must meet if they wish to do business with it; while railroads, because affected with a public interest, are also subject to State regulation.

A briefer treatment is here given to certain classes of laws, the text of which has not been reproduced, but whose nature and scope

¹ U. S. Bureau of Labor Statistics Bul. No. 229: Wage-payment legislation in the United States, by Robert Gildersleeve Patterson. Washington, 1917.

are indicated in summary form in Part I of this bulletin. Laws fixing the rates of wages of employees on public works are of limited concern and rest on a different basis from those affecting private employments. Minimum wage laws are of wider scope, but their constitutional status, under recent decisions, greatly restricts their present effectiveness. Laws regulating payment for coal mined apply to a single class of workers and present practically a single feature. Those requiring the repayment of employers' advances are, in the main, only a special penalization of the breach of contract. Those authorizing minors and married women to receive their earnings call only for an enumeration, as they are identical in effect and uncontested in the courts, and therefore, as to them, a mere list of citations of the laws seems sufficient. For the other classes of statutes named above, some account of the results of judicial consideration is also given.

With regard to the statutes that have been reproduced, the various aspects of constitutionality and construction that have been considered by the courts are noted in a manner not purporting to be exhaustive, but covering the principal points of legislation and judicial action. In other words, the bulletin undertakes to present the laws as enacted, covering existing legislation at the end of the year 1925, together with such judicial construction as seems appropriate, without assuming to cover the entire field of decisions in the form of an inclusive treatise.

PART I.—CONSTRUCTION OF STATUTES THE TEXT OF WHICH IS OMITTED

RATES OF WAGES OF EMPLOYEES ON PUBLIC WORKS

Laws designating the rates of wages to be paid to employees on public works are significant as an attempt on the part of the State to regulate employment conditions. Such laws may either name a fixed sum or direct that not less than current rates be paid. Some of these laws have been declared unconstitutional by the courts, either because of their infringing on the right to contract or because they were discriminatory in their nature.

In a New York case (*People ex. rel. Rodgers v. Coler* (1901), 166 N. Y. 1, 59 N. E. 716), a contractor sued to compel payment on a contract for work done, in the performance of which he had paid less than the current wages. The act of the legislature requiring that rates of wages on public works be not less than the prevailing rates in similar employments in the locality in which the work was done was declared unconstitutional as invading the rights of liberty and property, denying to the city and to contractors the right to agree with their employees as to the amount of compensation to be paid. The statute was also condemned as penalizing acts that are in themselves innocent and harmless. Later (*Ryan v. City of New York* (1904), 177 N. Y. 271, 69 N. E. 599), the attitude indicated above was modified to the extent of holding that the city was governed by this law in so far as it related to direct employment by the municipalities, though it was void as to contractors, who must simply effect specified results, and who are at liberty to make contracts freely with their workmen. The Supreme Court of Indiana in 1903 took the view expressed in the *Rodgers* case above, holding that cities, etc., might also contract without interference by the statute (*Street v. Varney Electric Co.*, 60 Ind. 338, 66 N. E. 895).

The foregoing decisions are opposed to a decision of the Supreme Court of the United States (*Atkin v. Kansas* (1903), 191 U. S. 207, 24 Sup. Ct. 124), to the effect that municipalities are but the agent of the State for the performance of certain duties best attended to locally, and that it rests with the State to make such conditions for contractors as it may choose, the contractor being free to accept such terms or not; but if he undertakes work for the State or a municipality, both he and the municipality must conform to the conditions laid down by the State. The people of the State of New York later adopted an amendment to the constitution conferring on the legislature power to act in the manner previously attempted, regulating the conditions of employment, whether the work be done by the city directly or by a contractor. The legislature then passed another law which has since been declared constitutional. (*People ex. rel. Williams Eng. and Const. Co. v. Metz* (1908), 193 N. Y. 148, 85 N. E. 1070.) The law was said not to reach work done outside the State, as the quarrying, cutting, and dressing of stone in Maine

(*Ewen v. Thompson-Starrett Co.* (1913), 208 N. Y. 245, 101 N. E. 894).

The doctrine of the *Atkin* case was found not to apply in a case involving the constitutionality of an act of the Legislature of Nebraska (ch. 17, Acts of 1909) which undertook to regulate the conditions of employment on the public works of cities of a designated class, naming \$2 as the daily rate of pay. This was given as one of the reasons for holding the act unconstitutional, since "no fixed rate of wages should be provided by the legislature without reference to the going wages for that kind of work at the time and place where it is to be performed" (*Wright v. Hoctor* (1914), 95 Nebr. 342, 145 N. W. 704). This was on the ground that the law favored one citizen at the expense of another, taking the property of the latter without due process of law. Another decision falling in this group is one of the Supreme Court of Pennsylvania declaring invalid a stipulation in a contract of the city of Reading fixing \$1.50 as the minimum daily wage to be paid by contractors for public works (*Frame v. Felix* (1895), 167 Pa. 47, 31 Atl. 375). It was held that this provision was a violation of the law that required such contracts to be let to the lowest responsible bidder, wages being one of the essential elements of the work, every part of which must be subject to competition. It is recognized under the decision in the *Atkin* case, however, that a law properly based and enacted fixing rates of wages on public works is valid legislation (*Byars v. State* (1912), 2 Okla. Cr. 481, 102 Pac. 804).

A new factor is injected into the problem where the law contains the rather customary phrase, "current rate of wages in the locality," by reason of a recent decision of the Supreme Court condemning such language for its vagueness (*General Construction Co. v. Connally* (1926), 46 Sup. Ct. 126). The exactness necessary to a penal statute was said to be lacking inasmuch as it can not be determined with certainty what sum constitutes "current wages," the term "locality" being also capable of such a range of definitions as to be "fatally vague and uncertain."

The States having laws on this subject (omitting laws relating only to highway labor) are the following:

Arizona.—R. S., sec. 3103.

California.—Code, G. L., No. 2894; Acts of 1909, ch. 387, sec. 9 (am. 1915, ch. 666).

Delaware.—R. C., sec. 2161 (City of Wilmington).

Hawaii.—Acts of 1919, No. 218.

Idaho.—C. S., sec. 2324 (am. 1923, ch. 93).

Kansas.—G. S., sec. 5870 (am. 1923, ch. 157).

Maryland.—P. L. L. (Baltimore), art. 4, sec. 31a (am. 1910, p. 642).

Massachusetts.—G. L., ch. 149, secs. 26, 27.

New York.—Acts of 1921, ch. 50, sec. 220 (am. 1921, ch. 642).

Porto Rico.—Acts of 1923, No. 11.

United States.—C. S., sec. 6765.

As indicated above, city governments may attempt action in this field, and if properly taken such action is valid. In *Malette v. City of Spokane* (1913) (77 Wash. 205, 137 Pac. 496), the Supreme Court of Washington ruled that a provision of a city ordinance fixing a wage rate of not less than \$3 per day of eight hours was a constitu-

tional act within the power of cities of the first class under the State constitution, and not in conflict with the Federal Constitution. However, where the policy of the State has not been fixed, and a city ordinance undertakes to determine matters of State policy by local action, it may be held to be an encroachment by the municipality on the police power of the State (*Attorney General ex rel. Lennane v. City of Detroit* (1923), 225 Mich. 631, 196 N. W. 391). Here a statute undertook to fix a minimum wage with time and one-half for overtime, providing also that skilled mechanics should receive the highest prevailing wage in their work on all public contracts—rules that were obviously not embodied in any State legislation, either directly or by implication.

In a later case the Supreme Court of Washington had an ordinance of the city of Seattle before it which fixed rates of pay for employment on public works. The ordinance was sustained on the ground that the city and the State have the right to say on what conditions a public work shall be performed. It was said that the validity of such statutes and ordinances as the one in question "does not depend upon the exercise of the police power. The police power, of course, must be exercised in a reasonable manner, but the right of the State and its municipalities to say upon what conditions a public work shall be or not be performed is not a right arising from the exercise of the police power, and therefore the question whether the ordinances in this case prescribe a reasonable rate of compensation does not enter into the discussion of the matter." The ordinances referred to directed the payment by contractors or subcontractors of amounts not less than the current or prevailing wage paid by the city itself, these rates being fixed by the heads of the departments within certain ranges named in the ordinances. Such mode of determination was said not to be a delegation of legislative power, but constitutional and binding on the contractors (*Jahn v. City of Seattle* (1922), 120 Wash. 403, 207 Pac. 667).

Improper delegation of power was found in a case before the Supreme Court of Wisconsin, where a city ordinance had directed that wages should be paid for work done for the city at the prevailing rate for similar work, such rate to be determined by the wages paid to members of any regular and recognized organization of skilled workmen. It was said that this was a surrender of the independent judgment of members of the council, and even the requirement that the rate thus determined should be approved did not satisfy the objection, that the standard fixed upon had been set up by a body outside and independent of the council. (*Wagner v. City of Milwaukee* (1922), 177 Wis. 410, 188 N. W. 487.) However, where the council took the initiative in establishing the rate, even though it was alleged that the minimum scale was the same as that of the labor unions in the city, if the ordinance is in fact the voluntary act of the city, and subject to change at will by reason of change in the personnel of the council or its views, or both, "we can not say as a matter of law that it is so unreasonable as to be void" (*Wagner v. City of Milwaukee* (1923), 180 Wis. 640, 192 N. W. 994).

As indicated in the introduction, the regulation of the rate of wages in private employments is a matter of contract rather than of law. Exceptions to this rule have been assumed to exist in regard to children as to whom an unquestioned power of control rests in the

State; also with regard to a woman worker, "having in view not merely her own health but the welfare of the race." (*Muller v. State* (1908), 208 U. S. 412, 28 Sup. Ct. 324.) However, this assumption as to women, based on the validity of laws fixing hours of labor, seems no longer maintainable in the light of the *Adkins* case, below. Another basis for attempting to regulate rates of wages is found in the claim that certain industries are so necessary to the public welfare or so "affected with a public use" that the interest of the State authorizes its intervention in regard to the determination of wage rates. It was in application of this theory that the act of Congress regulating wages and hours (Act of September 3, 5, 1916, C. S. secs. 8680a-8680d) was sustained as constitutional. (*Wilson v. New* (1917) 243 U. S. 332, 37 Sup. Ct. 298.) The principle can not be extended, however, merely by legislative declaration to the effect that certain industries are so affected by the public interest that a government agency may intervene to regulate wage rates (*Chas. Wolff Packing Co. v. Court of Industrial Relations* (1923), 262 U. S. 522, 43 Sup. Ct. 630), it being held the constitutional guaranty of freedom of contract stood in the way of any such regulative undertaking.

MINIMUM WAGE

The efforts to regulate the wages of women and children have taken the form of what are called minimum wage laws, either mandatory in their application or recommending a standard which employers may adopt or reject. The statute establishing the principle may also fix the amount of the wages to be paid; or, on the other hand it may create a commission, with powers of investigation and determination, which fixes the rate according to the discovered necessities of the case. Minimum wage laws have been enacted in 17 jurisdictions,¹ and in 2 others² constitutional amendments have authorized an enactment which has not yet taken place. The validity of legislation of this class was upheld by the supreme courts of 5 States,³ and the principle seemed quite thoroughly established until a test was made of the act of Congress prescribing a minimum wage law for the District of Columbia. It was held by the Supreme Court of the United States that such legislation was an unwarranted interference with the freedom of contract guaranteed by the due process clause of the fifth amendment and the protective provisions as to life, liberty and property of the fourteenth amendment to the Constitution (*Adkins v. Children's Hospital* (1923), 261 U. S. 525, 43 Sup. Ct. 394).

Subsequent to the decision above noted, the law of Wisconsin was declared unconstitutional by a Federal court in so far as it applied to adult females (*Folding Furniture Works v. Industrial Commission* (1924), 300 Fed. 991); the Supreme Court of Minnesota sustained the law of that State in its application to children only (*Stevenson v. St. Clair* (1925), 201 N. W. 629); and the Supreme Court of Kansas declared its law unconstitutional in its appli-

¹ Arizona, Arkansas, California, Colorado, District of Columbia, Kansas, Massachusetts, Minnesota, Nebraska, North Dakota, Oregon, Porto Rico, South Dakota, Texas, Utah, Washington, and Wisconsin.

² Louisiana and Ohio.

³ *Arkansas* (*State v. Crowe* (1917), 130 Ark. 272, 197 S. W. 4); *Massachusetts* (*Holcombe v. Creamer* (1918), 231 Mass 99, 120 N. E. 354); *Minnesota* (*Williams v. Evans* (1917), 139 Minn. 32, 165 N. W. 495); *Oregon* (*Stettler v. O'Hara* (1914), 69 Oreg. 519, 139 Pac. 743); *Simpson v. O'Hara* (1914), 70 Oreg. 261, 141 Pac. 158); *Washington* (*Larsen v. Rice* (1918), 100 Wash. 642, 171 Pac. 1037).

cation to adult women (*Topeka Laundry Co. v. Court of Industrial Relations; Topeka Packing Co. v. Same* (1925), 237 Pac. 1041). Each of these decisions had in view the effect of the rule of the Supreme Court in the *Adkins* case, the Kansas court being divided on the point of whether the decision controlled as establishing a general principle or whether it was limited simply to the local condition of an act of Congress passed solely for the District of Columbia. This question was put at rest by the decision of the Supreme Court in the case of *Murphy v. Sardell* (1925), 46 Sup. Ct. 22, which sustained the judgment of the United States District Court, District of Arizona, declaring unconstitutional the minimum wage law of that State, which was applicable only to women. This strongly points to the conclusion that all laws of a compulsory nature are practically nullified by the rule laid down by the Supreme Court, at least so far as penal enforcement is concerned. The recommendatory law of Massachusetts is unaffected, and the laws of the other States, in so far as their application to children is concerned, may continue to function, so far as is indicated by any judicial pronouncement yet made.

In this connection it will be of interest to notice the action of the Legislature of Wisconsin in May last (i. e., subsequent to the decision in the *Adkins* case and that in the case, *Folding Furniture Works v. Industrial Commission*, already noted, but prior to that in the *Arizona* case by the Supreme Court), amending the law as to adult females by declaring that: "No wage paid or agreed to be paid by any employer to any adult female employee shall be oppressive. Any wage lower than a reasonable and adequate compensation for the services rendered shall be deemed oppressive and is hereby prohibited." The commission is given power to make rules permitting substandard workers to receive less than a standard rate, but the inefficiency of the employee is not to be ground for a license so to employ. The payment of wages in violation of any order of the commission is a violation of the section. Separate provision is made for the wages of minors, which "shall be not less than a living wage," unless license is granted on account of inability to earn such wage. It seems apparent that the purpose of these amendments is to open the way for a continued operation of the law, certainly as to minors, and if possible, to adult females as well.

As already stated, the law of Massachusetts is unaffected by the decisions of the Supreme Court noted above, and is reproduced as unquestionably valid so far as present determinations are concerned. It resembles the majority of the laws of the other States in its creation of boards for the investigation of the cost of living and the recommendation of rates to the administrative department, but differs, as indicated, in omitting the penal features for noncompliance. As enacted, the law contained a provision requiring newspapers to publish the names of noncomplying employers, but this provision was held unconstitutional as interfering with the rights of publishers to make their own contracts and to refuse business judged undesirable (*Commonwealth v. Boston Transcript Co.* (1924), 249 Mass. 477, 144 N. E. 400). In practice, this has not affected the activities of the minimum wage commission, since an adequate number of papers have accepted the advertisements as offered.

The statute follows:

MASSACHUSETTS—GENERAL LAWS, 1921

CHAPTER 151.—*Employment of women and children—Minimum wages*

SECTION 1. Investigation.—The board of conciliation and arbitration of the department of labor and industries in performing the duties required by this chapter shall be known as the minimum wage commission, in this chapter called the commission. It shall investigate the wages paid to female employees in any occupation if it has reason to believe that the wages paid to a substantial number of such employees are inadequate to supply the necessary cost of living and to maintain the worker in health.

SEC. 2. Wage boards.—If after such investigation the commission is of the opinion that in the occupation in question the wages paid to a substantial number of female employees are inadequate to supply the necessary cost of living and to maintain the worker in health, it shall establish a wage board consisting of an equal number of representatives of employers in the occupation in question, and of persons to represent the female employees in said occupation, and of one or more disinterested persons appointed by it to represent the public; but the representatives of the public shall not exceed one half of the number of representatives of either of the other parties. The commission shall give notice to employers and employees in said occupation by publication or otherwise of its determination to establish a wage board and of the number of representatives of employers and of employees to be chosen therefor, and shall request that said employers and employees, respectively, nominate such representatives by furnishing names to it.

The representatives of employers and employees shall be selected by the commission from names furnished by the employers and by the employees, respectively: *Provided*, That the same are furnished within ten days after such request: *And provided further*, That at least twice as many names respectively are furnished as are required. If less than this number of names are furnished for representatives, either of employers or of employees, at least one-half the names so furnished shall be selected, and the remaining places necessary may be filled by the commission by appointments made directly from employers, including officers of corporations, associations, and partnerships, or from employees in the occupation, as the case may be. The commission shall designate as chairman one of the representatives of the public, and shall make rules and regulations governing the selection of members and the modes of procedure of the wage boards, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and of the determinations of the wage boards. The members of wage boards shall be compensated at the same rate as jurors, and they shall be allowed the necessary traveling and clerical expenses incurred in the performance of their duties, these payments to be made from the appropriation for the expenses of the commission. The commission may fill vacancies arising in a duly constituted wage board by appointing a sufficient number of suitable persons to complete the representation of the employers, employees or public, as the case may be.

SEC. 3. Duties of wage boards.—The commission may transmit to each wage board all pertinent information in its possession relative to the wages paid in the occupation in question. Each wage board shall take into consideration the needs of the employees, the financial condition of the occupation and the probable effect thereon of any increase in the minimum wages paid, and shall endeavor to determine the minimum wage, whether by time rate or piece rate, suitable for a female employee of ordinary ability in the occupation in question, or for any or all of the branches thereof, and also suitable minimum wages for learners and apprentices and for minors under eighteen. When a majority of the members of a wage board shall agree upon minimum wage determination, they shall report such determination to the commission, together with the reasons therefor and the facts relating thereto.

SEC. 4. Action on determinations of wage boards.—Upon receipt of a report from a wage board, the commission shall review the same, and may approve or disapprove any or all of the determinations recommended, or may commit the subject to the same wage board or to a new one. If the commission approves any or all of the determinations of the wage board it shall, after not less than fourteen days' notice to employers paying a wage less than the

minimum wage approved, give a public hearing to such employers, and if, after such public hearing, the commission finally approves the determination, it shall enter a decree of its findings and note thereon the names of employers, so far as they may be known to it, who fail or refuse to accept such minimum wage and agree to abide by it. The commission shall thereafter publish at such times and in such manner as it may deem advisable a summary of its findings and of its recommendations. It shall also at such times and in such manner as it shall deem advisable publish the facts, as it may find them to be, as to the acceptance of its recommendations by the employers engaged in the industry to which any of its recommendations relate, and may publish the names of employers whom it finds to be following or refusing to follow such recommendations.

An employer who files a declaration under oath in the supreme judicial or superior court to the effect that compliance with the recommendation of the commission would render it impossible for him to conduct his business at a reasonable profit shall be entitled to a review of said recommendation by the court under the rules of equity procedure. The burden of proving the averments of said declaration shall be upon the complainant. If, after such review, the court finds the averments of the declaration to be sustained, it may issue an order restraining the commission from publishing the name of the complainant as one who refuses to comply with its recommendations. But such review, or any order issued by the court thereupon, shall not be an adjudication affecting the commission as to any employer other than the complainant, and shall in no way affect its right to publish the names of those employers who comply with its recommendations. The type in which the employers' names shall be printed shall not be smaller than that in which the news matter of the newspaper is printed. The publication shall be attested by the signatures of at least a majority of the commission.

SEC. 5. *Revision of decrees.*—Whenever a minimum wage rate has been established in any occupation, the commission may, upon petition of either employers or employees, or if in its opinion such action is necessary to meet changes in the cost of living may without such petition, reconvene the wage board or establish a new one, and any recommendation made by such wage board shall be dealt with in the same manner as the original recommendation of a wage board.

SEC. 6. *Special license.*—For any occupation in which a minimum time rate only has been established, the commission may issue to any woman physically defective a special license authorizing the employment of the licensee for a wage less than the legal minimum wage: *Provided*, That it is not less than the special minimum wage for that person.

SEC. 7. *Rates for minors.*—The commission may at any time inquire into the wages paid to minors in any occupation in which the majority of employees are minors, and may, after giving public hearings, determine minimum wages suitable therefor. When the commission has made such a determination, it may proceed in the same manner as if the determination had been recommended to it by a wage board.

SEC. 8. *Records.*—Every employer of women and minors shall keep a register of the names, addresses, and occupations of all women and minors employed by him, together with a record of the amount paid each week to each woman and minor, and if the commission shall so require, shall also keep for a specified period, not exceeding six months, a record of the hours worked by such employees, and shall, on request of the commission or of the department of labor and industries, permit the commission or any of its members or agents, or the department or any duly accredited agent thereof, to inspect the said register and to examine such parts of the books and records of employers as relate to the wages paid to women and minors, and the hours worked by such employees. Any employer failing to keep a register or records as herein provided, or refusing to permit their inspection or examination shall be punished by a fine of not less than five nor more than fifty dollars. The commission may also subpoena witnesses, administer oaths and take testimony, and require the production of books and documents. Such witnesses shall be summoned in the same manner and be paid by the Commonwealth the same fees as witnesses before the superior court.

SEC. 9. *Statistical information.*—Upon request of the commission, the department of labor and industries shall cause to be gathered such statistics and other data as the commission may require, and the cost thereof shall be paid out of the appropriation made for the expenses of the commission in reference to the minimum wage.

Sec. 10. Discrimination against employees.—No employer shall discharge or in any other manner discriminate against any employee because such employee has testified, or is about to testify, or has served or is about to serve upon a wage board, or is or has been active in the formation thereof, or has given or is about to give information concerning the conditions of such employee's employment, or because the employer believes that the employee may testify, or may serve upon a wage board, or may give information concerning the conditions of the employee's employment, in any investigation or proceeding relative to the enforcement of this chapter. Whoever violates this section shall be punished by a fine of not less than two hundred nor more than one thousand dollars.

Sec. 11. Inspection.—The commission shall from time to time determine whether employers in each occupation investigated are obeying its decrees, and shall publish in the manner provided in section four, the name of any employer whom it finds to be violating any such decree.

Sec. 12. Refusal to publish findings.—[Unconstitutional.]

Sec. 13. Action for damages.—No member of the commission and no newspaper publisher, proprietor, editor or employee thereof, shall be liable to an action for damages for publishing the name of any employer as provided for in this chapter, unless such publication contains some willful misrepresentation.

Sec. 14. Posting notices.—The commission may require employers in any occupation to post notices of its hearings or of nominations for wage boards, or of decrees that apply to their employees, in such reasonable way and for such length of time as it may direct. Whoever refuses or fails to post such notices or decrees, when so required, shall be punished by a fine of not less than five nor more than fifty dollars. The department of labor and industries shall enforce this section.

Sec. 15. Annual report.—The commissioner of labor and industries shall make an annual report of the acts of the commission in performing the duties required by this chapter.

PAYMENT FOR COAL MINED

Special provisions exist in the laws of many of the coal-producing States relative to payment of wages or earnings of miners. The very extended use of the piecework basis (by weight or measure) in coal mining makes it desirable to secure accuracy with regard to the standards used. The laws generally require that scales be provided and make the State inspector of mines responsible for their testing and maintained accuracy. The weighman is usually required to take oath for the proper discharge of his duties, and in practically all States the miners may employ a checkweighman at their own expense to observe and record the entries and credits of the miners. The desirability of such a system seems to be generally accepted without legal contest, though a rather early decision by the Supreme Court of Illinois declared invalid a statute requiring operators of coal mines where miners are paid by weight to provide scales for the weighing of all coal, but applying the statute only to mines whose product is shipped by rail or water. The act was condemned not only because of the discriminatory provision, but also because it made it an offense for the parties to the contract to agree upon any other method of determining the amount of the coal mined than that pointed out by the statute, which was held to be an interference with the freedom of contract (*Harding v. People* (1896), 160 Ill. 459, 43 N. E. 624).

Hardly less destructive of the intended effect of such legislation was a decision of the Supreme Court of Tennessee, in a case where the mine owner announced his purpose of closing down the mine unless the miners discharged their checkweighman (*State v. Jenkins* (1891), 90 Tenn. 580, 18 S. W. 249). The threat was said by the

court to be no more than a "declaration of what, under the law, he had a right to do"; and as there was no averment of a fraudulent purpose on the part of the mine owner, the court "can not assume it." A dissenting opinion held that the owner's "objective and purpose was to discharge the weighman and thus render nugatory the statute," a conclusion that seems inevitable.

However, it seems clear from later decisions that such emasculation of the law would not now be favored by the courts; and indeed, the same court concurrently with the above decision construed another phase of the same law in harmony with the obvious intent of the legislature, although there was in it a clear interference with the freedom of contract. The provision required that credit be given for all merchantable coal mined by any workman and penalized the willful adoption of any other standard "than is now provided for by law." It was held that neither custom nor contract could be pleaded as a defense in an action for violation of this provision, as the law established an obligatory rule, and a criminal law can not be dispensed with by contract (*Smith v. State* (1891), 90 Tenn. 575, 18 S. W. 248).

Quite similar to this last decision is the trend of the cases in which a still further development of this aspect of the question has been considered, i. e., the requirement that coal shall be weighed before screening, in order that workmen may be paid for the full results of their labors, and not merely for the production of certain grades or classes of coal. The Arkansas law to this effect was sustained by the State supreme court's recourse to its time-tested principle of the reserve power of the State to control corporations (*Woodson v. State* (1902), 69 Ark. 521, 65 S. W. 465); but the United States Supreme Court did not find it necessary to have recourse to this doctrine in supporting a similar law of the same State, but cited the investigations of the Industrial Commission authorized by Congress in 1898, which reported upon the conditions in the coal industry. In the light of its findings, and having in mind the enactment of similar laws by several State legislatures, the court was "unable to say that this law had no reasonable relation to the protection of a large class of laborers in the receipt of their just dues and in the promotion of the harmonious relations of capital and labor engaged in a great industry in the State." In other words such regulation was a proper exercise of the police power. Its limitation to mines employing ten or more men was said to be a reasonable classification, as it "may be presumed to practically regulate the industry when conducted on any considerable scale." (*McLean v. Arkansas* (1909), 211 U. S. 539, 29 Sup. Ct. 206.) Laws of this type have been declared unconstitutional by the courts of Illinois (*Ramsey v. People* (1892), 142 Ill. 380, 32 N. E. 364), Ohio (In re *Preston* (1900), 63 Ohio St. 428, 59 N. E. 101), Pennsylvania (*Com. v. Brown* (1898), 8 Pa. Super. Ct. 339), and Colorado (In re House Bill No. 203 (1895), 21 Colo. 27, 39 Pac. 431). It will be observed that each of these decisions antedates that of the Supreme Court in the *McLean* case above. The Supreme Court of West Virginia, however, had already sustained a similar law of that State (*State v. Peel Splint Coal Co.* (1892), 36 W. Va. 802, 15 S. E. 1000); as had the Supreme Court of Kansas, which declared the law of that State constitutional as furnishing a basis for intelligent

action by both parties in regard to the demand for and payment of wages (*State v. Wilson* (1899), 61 Kans. 32, 58 Pac. 981). There was a vigorous dissent in this latter case on the ground of the alleged unwarrantable extension of the police power into a field not related to the health, comfort, safety, or necessity of the people. On the other hand, the court of appeals, when the case was before it, had unanimously sustained the law as tending to prevent possible fraud and extend protection to the party occupying the disadvantageous position.

The validity of laws of this class was again confirmed by the Supreme Court in considering an Ohio statute requiring weighing before screening, the court ruling that such legislation did not unduly abridge the freedom of contract by prescribing this particular method of operation (*Rail & River Coal Co. v. Yapple* (1915), 236 U. S. 338, 35 Sup. Ct. 359). The Supreme Court of Illinois regarded as valid a law that required payment in lawful money for all coal mined and loaded into the mine car, "at such price as may be agreed upon by responsible parties." It was held that this qualification permitted the fixing of the rate of payment in accordance with the circumstances so that the liberty of contract had not been invaded by the statute, though why the earlier law should have been differently construed is not clear (*Whitebreast Fuel Co. v. People* (1898), 175 Ill. 51, 51 N. E. 853). An Indiana law contained a provision to the effect that it was not intended to require payment for "sulphur, rock, slate, black-jack or other impurities including dirt"; and the courts held that a requirement that coal should be weighed before screening did not apply where screening was the only means by which such impurities could be removed (*Martin v. State* (1896), 143 Ind. 545, 42 N. E. 911).

Under the foregoing construction, it is apparent that the wage adjustment can be made on the basis of the estimated amount of impurities that will be lost by screening, so that the law is far from absolute in its requirements.

States having laws regulating the weighing of coal, where weight is the basis of wage payment are the following:

Alabama.—Code of 1923, sec. 1709: Full weight to be credited.

Arkansas.—Digest of 1921, sec. 7276: Coal to be weighed before screening certain localities excepted.

Colorado.—Comp. Laws of 1921, sec. 3550: Coal to be weighed before screening.

Iowa.—Code of 1924, sec. 1321: Coal to be weighed before screening unless otherwise agreed upon in writing.

Kansas.—Gen. Stat. of 1915, sec. 6348: Coal to be weighed before screening.

Maryland.—Code of 1924, Art. 89, sec. 151: Coal to be weighed before screening.

Missouri.—Rev. Stats. of 1919, sec. 5458: Coal to be weighed before screening.

Oklahoma.—Rev. Laws of 1910, sec. 4000: Coal to be weighed before screening.

Pennsylvania.—Stats. of 1920, sec. 15315: Anthracite coal to be weighed before dumping from miners' cars. Sec. 15601: Bituminous coal to be weighed before screening.

Washington.—Acts of 1917, ch. 36, sec. 93: Coal to be weighed before screening.

West Virginia.—Code of 1913, sec. 508: Coal to be weighed or measured before screening.

Wyoming.—Acts of 1911, ch. 74: Coal to be weighed before screening unless otherwise agreed upon.

REPAYMENT OF EMPLOYERS' ADVANCES

A number of States have laws penalizing the failure of workmen to repay advances made by employers, either by refunding the same or by working under the contract for a sufficient period to cancel the obligation. Failure on the part of the employee is made a penal offense, not on the ground of nonpayment of debt, but on the basis of fraudulent intent to deceive or injure. The statute is obviously one of a border nature and has been extensively litigated. The Alabama law was construed in a case (*Ex parte Riley* (1891), 94 Ala. 82, 10 S. E. 528), in which it was said that intent was essentially an element of guilt, and that this must be established by competent evidence without mere surmise or arbitrary assumption. In a later case the law was held not to apply where one entered service and worked long enough to offset the original obligation, but received other advances during employment which were left unpaid. It was said that discharging the primary obligation had taken away an essential ingredient of the offense (*McIntosh v. State* (1898), 117 Ala. 128, 23 So. 668). The difficulty in proving fraudulent intent led the legislature to undertake to solve the problem by declaring that refusal or failure to render the service or refund the advance payments was *prima facie* evidence of intent to injure or defraud, and the State courts upheld the statute as thus phrased (*Bailey v. State* (1908), 158 Ala. 18, 48 So. 498). This case was taken to the Supreme Court, where it was said that the statute stripped the defendant of his presumption of innocence and exposed him to conviction for fraud on evidence only of breach of contract and failure to pay, and he was not permitted by the law of the State to testify that he did not intend to injure or defraud. Thus the statute, though in terms a statute to punish frauds, had the inevitable effect of exposing to conviction for crime persons who simply failed or refused to perform a contract of personal service in liquidation of a debt, which was an attempt to do indirectly a thing forbidden by the constitution by the procuring of compulsory service. A breach of contract exposes only to liability for the loss due thereto, and not to enforced labor. The State can not punish one as a criminal merely on evidence of failure to work out debts. The provision as to evidence was therefore declared unconstitutional (*Bailey v. Alabama* (1911), 219 U. S. 219, 31 Sup. Ct. 145). The present Alabama law omits the provision as to presumption of evidence, and punishes those who obtain advances under a contract in writing for the performance of work, with intent to defraud. The law has been upheld as a constitutional enactment providing punishment for swindling by the use of false pretenses (*Thomas v. State* (1915), 13 Ala. App. 431, 69 So. 908).

In some States an attempt has been made to meet the objection of inequality by making the law apply to employers who fail to receive and compensate for personal services after having contracted therefor, as well as penalizing employees for breach. On the other hand legislation may be found applying directly to the fraudulent act of employers who hire workmen without at the time having sufficient assets to make the payments of wages accruing. Such a

law of Arizona was construed by the State supreme court as valid, not making it a crime merely to neglect to pay wages, but penalizing the obtaining of labor by false pretenses (*Ex parte Morse* (1924), 26 Ariz. 450, 226 Pac. 537).

Statutes of this class lie rather outside the range of wage-payment regulations and are noted only as representing a form of penalization in case of breach of contract.

Following is a list of the States having such statutes:

Alabama.—Code of 1923, sec. 4152.	North Carolina.—Con. Stats., sec. 4281.
Florida.—Acts of 1923, ch. 9146.	North Dakota.—Acts of 1907, ch. 208.
Georgia.—Penal Code, 1910, secs. 715, 716.	Oregon.—Laws of 1920, sec. 2025-2 (<i>a</i>).
Michigan.—Comp. L. 1915, sec. 5581.	Philippine Islands.—Acts of 1911-12, No. 2098.
Minnesota.—Gen. Stats., 1913, sec. 9021.	South Carolina.—Crim. Code, 1912, Sec. 492-498.
Mississippi.—Code of 1906, sec. 1148.	Virginia.—Acts of 1918, ch. 179.
New Hampshire.—Acts of 1917, ch. 3.	Washington.—Acts of 1919, ch. 191, sec. 3.
New Mexico.—Ann. Stats., 1915, sec. 1572.	

EARNINGS OF MARRIED WOMEN

Married women are by statute secured in the personal disposition and control of their individual earnings in the following jurisdictions:

Alabama.—Code, sec. 8262.	New Hampshire.—Pub. Stats., ch. 176, sec. 1.
Alaska.—Comp. L., sec. 490.	New Jersey.—Comp. Stats., p. 3225.
Arkansas.—Digest, secs. 5580, 5581.	New Mexico.—Ann. Stats., sec. 2759.
California.—Civ. Code, sec. 168.	New York.—Con. L., ch. 14, sec. 60.
Colorado.—Comp. L., sec. 5578.	North Carolina.—Const., art. 10, sec. 6; C. S., sec. 2513.
Connecticut.—Gen. Stats., secs. 5274, 5278.	North Dakota.—Rev. Code, sec. 4082 (am. 1915, ch. 171.)
Delaware.—Rev. Code, sec. 3059.	Oklahoma.—Rev. L., sec. 3557.
District of Columbia.—Code, sec. 1151.	Oregon.—Laws, sec. 9754.
Florida.—Rev. Gen. Stats., sec. 3952.	Pennsylvania.—Stats., sec. 14574.
Georgia.—Const., art. 3, sec. 11.	Porto Rico.—Civ. Code, sec. 1314.
Hawaii.—Rev. L., sec. 2952.	Rhode Island.—Gen. L., ch. 290, sec. 1.
Idaho.—Comp. Stat., sec. 4667.	South Carolina.—Civ. Code, sec. 3759.
Illinois.—Rev. Stats., ch. 68, sec. 7.	South Dakota.—Const., art. 21, sec. 5; R. C., sec. 175.
Indiana.—Ann. Stats., sec. 7867.	Tennessee.—Code, secs. 4247a, 4247a1, 4249a.
Iowa.—Code, sec. 3162.	Texas.—Rev. Civ. Stats., sec. 4622 (am. 1913, ch. 32).
Kansas.—Gen. Stats., sec. 6163.	Utah.—Comp. L., sec. 2986.
Maine.—Rev. Stats., ch. 66, sec. 3.	Vermont.—Gen. L., sec. 3524.
Maryland.—Ann. Code, art. 45, sec. 1.	Virginia.—Code, sec. 5134.
Massachusetts.—Gen. L., ch. 209, sec. 4.	Washington.—Codes and Stats., sec. 5920.
Michigan.—Comp. L., sec. 11478.	West Virginia.—Code, sec. 3680.
Minnesota.—Gen. Stats., 1913, sec. 7143.	Wisconsin.—Stats., sec. 2343.
Missouri.—Rev. Stats., sec. 7328.	Wyoming.—Comp. Stats., sec. 3912.
Montana.—Rev. Code., secs. 5795, 5797.	
Nebraska.—Comp. Stats., sec. 1511.	
Nevada.—Rev. L., 1919, p. 2813 (sec. 2160).	

EARNINGS OF MINORS

The individual earnings of minors may, by statute, be paid by the employer to the minor, unless the parent or guardian gives prior

notice to the employer and makes claim for the wages, in the following jurisdictions:

California.—Civ. Code., sec. 212.	Oklahoma.—Rev. L., sec. 4381.
Idaho.—Comp. Stats., secs. 4663, 4678.	Porto Rico.—Rev. Stats., sec. 3295.
Iowa.—Code, sec. 3191.	South Carolina.—Civ. Code, sec. 3788.
Kansas.—Gen. Stats., sec. 6360.	South Dakota.—Rev. Code, sec. 197.
Minnesota.—Gen. Stats., sec. 3857.	Utah.—Comp. L., sec. 3958.
Montana.—Rev. Code, sec. 5849.	Washington.—Codes and Stats., sec. 5295.
New York.—Con. L., ch. 14, sec. 72.	
North Dakota.—Rev. Code., sec. 4105.	

The earnings of minor children are in general exempt from executions against the parents.

PART II.—CONSTRUCTION OF STATUTES THE TEXT OF WHICH IS PRESENTED

FREQUENCY OF PAYMENT

Many States have enacted laws directing the payment of wages monthly, semimonthly, biweekly, or weekly. These may be of general application, or may be restricted to corporations or to certain classes of corporations. These laws have secured recognition only after considerable hesitation on the part of some courts, the objection that they were an interference with the freedom of contract having been sustained in some instances. Thus in a comparatively early case in the Supreme Court of California (*Johnson v. The Goodyear Mining Co.* (1899), 127 Calif. 4, 59 Pac. 304) it was held that a law requiring monthly pay days restricted the constitutional right of the employer and employee to contract freely as to terms and times of payment. A later decision by a New York court took the position that the State has an interest in the welfare of its citizens which would be served by the frequent payment of wages, so that workmen with small incomes might be better able to make cash purchases of the necessaries of life; and that it was desirable, on account of the economic inequality existing between corporate employers and their employees, for a law to be enacted which would in part equalize the situation (*New York Central etc., R. Co. v. Williams* (1910), 199 N. Y. 108, 92 N. E. 404). It was said that though the statute was invalid as to individuals and partnerships it was nevertheless applicable to corporations, and the provisions were severable. The Supreme Court of the United States sustained the New York statute, holding that it was not a violation of the fourteenth amendment for the State thus to regulate the conduct of railroad corporations in relation to their employees; also that such regulation was in the power of the State in its control of corporations (*Erie R. Co. v. Williams* (1914), 233 U. S. 685, 34 Sup. Ct. 761).

The laws vary in their provisions as to scope, as to whether or not the statute is operative without the request of the workman, etc. The Supreme Court of Arkansas construed the law of that State as valid, in its application to corporations, but ruled that it would be violated only by failure or refusal to pay, which could not take place unless demand was made, in the absence of intimidation or coercion such as would prevent the workman from making the demand. An employee could not bind himself by contract not to make the necessary demand, but the making of such a contract is no offense; nor is the failure to pay an offense where such semimonthly payment is not desired (*Arkansas Stave Co. v. State* (1910), 94 Ark. 27, 125 S. W. 1001).

The law of Indiana requires employers in certain designated occupations to pay wages weekly "if demanded," a provision which may be regarded as a concession to the restriction placed by the supreme court of the State on a law requiring corporations, and not

individual employers, to pay wages monthly—a discrimination that was declared to be unconstitutional as class legislation (*Toledo, St. L. & W. R. Co. v. Long* (1907), 169 Ind. 316, 82 N. E. 757); while another statute requiring weekly payment of all wages earned to 10 days prior to date of payment was said to be a statutory fixing of the terms of a contract in violation of the guaranty of freedom of contract and placing wage earners under a quasi-guardianship which was degrading to them as citizens (*Republic Iron & Steel Co. v. State* (1903), 160 Ind. 379, 66 N. E. 1005). The incorporation of the words “if demanded” deprived the statute of its compulsory quality, so that it was said not to be an abridgement of the right of contract and not within the rule of the case last cited; the court added that the legislature might “reasonably or to a limited extent, regulate the payment of wages,” and the statute thus qualified was upheld (*Seeleyville Coal Co. v. McGlosson* (1906), 166 Ind. 561, 77 N. E. 1044). It would appear that the statute as thus qualified is greatly weakened as a law; the same may be said of those statutes that apply only to corporations, though in the present development of industry that would provide for the large majority of workers. However the Supreme Court of Indiana sustained as valid a provision of the law that forbids contracts waiving the employee’s right to demand payments at the times and in the medium designated (*Hancock v. Yaden* (1890), 121 Ind. 366, 23 N. E. 253).

Divergent attitudes are noticeable in the decisions cited, the Arkansas law having been upheld because applicable only to corporations, the court ruling that the legislature, in regulating the times of payment of wages by corporations, was exercising its reserve power in regard to such entities. The New York decision cited was also limited in its scope to corporations, while the Indiana court objected to such a classification. The provisions of the State constitutions differ with regard to the power reserved to regulate the activities of corporations, and variant views are taken by the courts as to the fair and just application of such resident power apart from expressed statements. In some States the courts have boldly assumed that the police power of the State was sufficient to authorize legislatures to declare a policy applicable not only to corporate employers, but to individuals and partnerships as well. Thus when the Massachusetts Legislature in 1895 referred to the supreme court of the State the question of its power to enact a law establishing a weekly pay day for private individuals and partnerships, such as already existed with regard to corporations, the court replied that such power existed, since freedom of contract is not absolute, and the powers of a legislature under the State constitution are as broad “as they shall judge to be for the good and welfare of this Commonwealth” (In re House Bill No. 1230 (1895), 163 Mass. 589, 40 N. E. 713). The statement was made that the earlier law applicable to corporations had been enacted not in the exercise of the reserve power of the legislature to amend the charters but in virtue of the police power resident in it as expressing the policy of the State. The act subsequently enacted was upheld as constitutional in *Commonwealth v. Dunn* (1898), 170 Mass. 140, 49 N. E. 110, thus definitely establishing the attitude of that State on the question.

In Missouri it was said that the police power of the State was sufficient warrant for the legislature to enact a law regulating the payment of wages by corporations, not on account of the reserve power of the legislature, but because it was regarded as beneficial to their employees, adding that the application to corporations alone was not indicative of an unfair discrimination. Differences between individual employers and stockholders of corporations whose interests were represented by agents were said to be a basis for legislation of this type, and while the courts holding to the contrary are entitled to respect, a different line of reason was regarded as controlling, so that the statute should be upheld (*State v. M. P. R. Co.* (1912), 242 Mo. 339, 147 S. W. 118). In an earlier case (*Burnetta v. Coal Co.* (1904), 180 Mo. 241, 79 S. W. 136), the supreme court of the State declined a discussion of the constitutionality of a law of limited application, and held that it governed in the absence of a contract between a miner and his employer as to the time of payment; nor could a union make a binding contract as to the work or wages of its members.

The stressing of the economic needs of workers, and of differences between individual and corporate employers is not uniformly persuasive, as already appears. The Court of Appeals of Maryland condemned a semimonthly payment law of that State, applicable to corporations mining coal or fire clay, as an arbitrary interference with private business without consideration being shown of public health, safety, morals, or general welfare to justify the same (*State v. Potomac Valley Coal Co.* (1911), 116 Md. 380, 80 Atl. 686).

A different basis for a declaration of unconstitutionality from any of those noted was that found by the Supreme Court of Tennessee in the penal provision of the semimonthly payment law of that State. It was said that the provision of punishment by fine for failure to comply with the act entails liability to imprisonment if the fine shall not be paid, which would result in imprisonment for debt in violation of the constitution of the State. Since the statute in question was one to enforce the payment of contract wages at stated periods under the penalty prescribed, it must fall as unconstitutional (*State v. Prudential Coal Co.* (1914), 130 Tenn. 325, 170 S. W. 56). A similar view was taken of a law of California by the court of appeal of that State (*Ex parte Crane* (1914), 26 Calif. App. 22, 145 Pac. 733). On the other hand, the Supreme Court of Louisiana maintained the constitutionality of the law of that State against the contention that it might result in imprisonment for debt, holding that the law requiring semimonthly payment of wages was constitutional, and that the legislative power to impose a penalty for its violation necessarily follows (*State v. McCarroll* (1915), 138 La. 454, 70 So. 448). However, "no constitution of this State has ever prohibited imprisonment for debt, nor is there any such provision in the Federal Constitution."

The scope of the act is usually sufficiently indicated by the term "employee," or the use of "wages," though some laws use also the word "salary." Others are broader, covering "wage workers, skilled or unskilled in manual, mechanical, or clerical labor," or "every employee engaged in its business," with also the words "wages or

salaries." The question was raised under the law of New York, which requires the payment of wages to each employee weekly. A civil engineer was paid by check. An action was brought to recover a penalty for the violation of a law requiring cash payment. The supreme court of the State, appellate division, cited the definition of the term "employee" as given in the labor law, where it was said to mean "a mechanic, workingman, or laborer, who works for another for hire." On the basis of this restricted definition the court took the ground that the law applied only to such persons as fall thereunder, saying that stenographers, accountants, typists, chainmen, levelmen, civil engineers, bookkeepers, draftsmen, structural designers, and clerks were not within the defined class. Other employments were said to be on the border line, but the law could not be extended beyond the persons properly classifiable under the definition prescribed by it (*People v. Interurban Rapid Transit Co.* (1915), 154 New York Supp. 627.)

Divergent opinions must follow where constitutions differ; they likewise result from varying conceptions of courts, and the following of precedents established in earlier decisions. Interpretations by the Supreme Court of the United States exert a harmonizing influence unless constitutional barriers intervene, but legislative efforts persist to secure the payment of wages at fairly frequent intervals, the tendency being a weekly or biweekly payment. Even in those States in which manifest declarations of unconstitutionality have been made, recent legislative action indicates the purpose to establish such a rule, constitutional amendments having been in some instances adopted to open the way for such action.

No attempt has been made in the foregoing summary to discuss each State policy or all the decisions in the States noted; but the underlying principles controlling and the causes of divergence have, it is believed, been adequately indicated.

PAYMENT ON TERMINATION OF EMPLOYMENT

The natural presumption under a contract of employment is that wages will be paid at the time agreed upon, final settlement being made on the termination of the contract. In case of prior discharge, involving a breach of the contract, the employee is entitled to damages, the customary measure being the amount of wages lost due to the premature discharge. The employee may wait until the expiration of the contract period and recover wages that he would have earned, less what he earned elsewhere or could have earned if fairly diligent in seeking other employment (*Winkler v. Racine Wagon, etc., Co.* (1898), 99 Wis. 184, 74 N. W. 793; *Milage v. Woodward* (1906), 186 N. Y. 252, 78 N. E. 873); or the employee may sue at once for damages caused by the breach, the measure usually being the contract price for the labor (*Stone v. Bancroft* (1896), 112 Calif. 653, 44 Pac. 1069). A single action will suffice for recovery of all damages, past or future, resulting from the breach of contract, as it is the duty of the court to consider probable future earnings, during the period covered by the contract as well as the past earnings, if any, since its breach (*Pierce v. R. Co.* (1899), 173 U. S. 1, 19 Sup. Ct. 335).

The laws of a few States embody a declaration of the common law in their labor code (see Civil Code of Georgia (1910), secs. 3588, 3589; Ark. Dig., sec. 6885). These receive the same construction as the common law, and do not warrant the inclusion in the action for damages due to the breach any other action for a separate wrong, even though connected with the incident of discharge (*Dickenson v. Atkins* (1918), 132 Ark. 84, 200 S. W. 817). The Louisiana law is peculiar in that the employee's right to recover wages for the unexpired term becomes vested at once in case of unwarranted discharge, and it is not affected either by the acceptance of other employment or by a refusal to return to work under the original contract (*Curtis v. Lehman Co.* (1905), 150 La. 40, 38 So. 887; *Camp v. Baldwin-Bellville Co.* (1909), 123 La. 257, 48 So. 927). But such is not the general construction of the common law.

Many States have provided by special legislation for payment on discharge of all wages due, usually immediately, although some provide that such payments shall be made on the ensuing pay day. The law may be of general application or may be limited to corporations or certain classes of corporations. That of Arkansas is limited to railroad companies and provides that, as a penalty for nonpayment on request, the wages shall continue to run until settlement but not exceeding 60 days. Another provision sometimes found is for a percentage of the wages to continue. Obviously such a law as that of Arkansas partakes of the nature of a penal law, and requires strict and actual compliance with its provisions as to notice and demand if the penalty is to be recovered, since nothing will be taken by intention in actions under statutes of this class (*St. Louis I. M. & S. R. Co. v. McClerkin* (1908), 88 Ark. 277, 114 S. W. 240). The act was said to be invalid as to natural persons as an invasion of their constitutional right to contract (*Leep v. St. Louis etc. R. Co.* (1894), 58 Ark. 407, 25 S. W. 75). However, it is valid as regards railroad companies (*Leep case*; *St. Louis I. M. & S. R. Co. v. Leep* (1899), 173 U. S. 404, 19 Sup. Ct. 418); and the acceptance of wages after the penalty has accrued will not release the employer from paying such penalty, and separate action will lie for its recovery (*St. Louis I. M. & S. R. Co. v. Pickett* (1902), 70 Ark. 226, 67 S. W. 870; *Same v. Bryant* (1909), 92 Ark. 425, 122 S. W. 996).

The California law is of general inclusiveness, limiting to 30 days the period for which the penalty wage continues. This statute has been held constitutional by the courts of that State on the ground that the prompt payment of employees' wages is a matter that affects the public generally, and that the statute protects and promotes the welfare of the community, and is not unjust (*Manford v. Memil Singh* (1919), 40 Calif. App. 700, 181 Pac. 844, citing *Moore v. Indian Spring Channel Gold Mining Co.* (1918), 37 Calif. App. 370, 174 Pac. 378).

The California law provides that the penalty ceases to run on the commencement of action, so that where action was brought within 19 days from the date of the discharge, it was not proper to allow a penalty for the maximum period of 30 days named by the law; neither can an assignment carry a right to a penalty accruing subsequent to its date (*Martin v. Going* (1922), 57 Calif. App. 631, 207 Pac. 935). The Arizona law is of a similar nature, generally, but en-

forceable only by fine, with no penalty running to the employee. This law was sustained as valid over the contention that it amounted to imprisonment for debt (*Arizona Power Co. v. State* (1917), 19 *Ariz.* 114, 166 *Pac.* 275).

The courts of Idaho, in construing the law of that State, held that payment of wages without the accrued penalty stops further penalty (*Robinson v. St. Maries Lumber Co.* (1921), 34 *Idaho* 707, 204 *Pac.* 671); but that where the claimant demanded more than his due this did not excuse the employer from tendering the correct amount, which, failing, the penalty accrued, the statute being held constitutional as within the police power of the State (*Marrs v. Oregon S. L. R. Co.* (1921), 33 *Idaho* 785, 198 *Pac.* 468). The liability under the statute arises not from a failure to pay the amount demanded, but from failure to pay the wages or salary due at the time of demand (*Hindman v. Oregon S. L. R. Co.* (1918), 32 *Idaho* 133, 178 *Pac.* 837).

The South Carolina statute was said to be a declaration of the public policy of the State, its provisions forming a part of any contract entered into between an employer and his employees, not subject to waiver by any agreement between them (*Cato v. Grendel Cotton Mills* (1925), 129 *S. E.* 203). However, where the discharged man was also a tenant in a mill cottage, rent accruing after his discharge might be deducted from the amount recoverable as wages and penalty. The law had been sustained as constitutional, not denying the employer the property without due process of law or the equal protection of the law, or interfering with the liberty of contract (*Wynne v. Seaboard Air Line R. Co.* (1913), 96 *S. C.* 1, 79 *S. E.* 521). A similar view to that expressed in the *Cato* case appears in a decision of the Washington Supreme Court where a contract providing for notice of intention to leave employment was invoked as a defense against the provision of law requiring immediate payment on the termination of employment, the court ruling that the "statute establishes a rule of public policy," and to put it within the power of a corporation to exact a contract modifying its effect would "set at naught the plain provisions of the statute" (*Burdette v. Broad View Dairy Co.* (1923), 123 *Wash.* 158, 212 *Pac.* 181).

The courts in each of the above instances had taken the view that the law in question was constitutional. However, this view is not universal. The Supreme Court of Michigan declared the law of that State unconstitutional on several counts, partly technical, such as failure to include the penalty provision in the title of the act, and partly on the ground that the penalty was excessive, confiscatory, and unreasonable. Failure to pay on termination of employment involved a penalty of 10 per cent of the indebtedness to be added daily until payment, the same to be classed as liquidated damages. The statute was declared unconstitutional on account of arbitrary classification, as "class legislation of a most objectionable kind," and as imposing a penalty for the benefit of the employee under the guise of liquidated damages, confiscatory in its nature and not provided for in the title of the act (*Davidow v. Wadsworth Mfg. Co.* (1920), 211 *Mich.* 90, 178 *N. W.* 776). It would seem that a law more skillfully drawn and entitled, and possibly with less drastic penalty provisions, might escape the destructive criticism of this opinion, but it is observ-

able that an act of the legislature of 1925 merely declares the employer's duty to pay discharged employees the wages earned "forthwith as soon as the amount due can with the utmost diligence be ascertained," no damages for noncompliance being named, but violations being classed as misdemeanors. Improper classification was held fatal to a Kansas statute which applied to all private corporations doing business within the State except steam surface railways and corporations engaged in the production of farm and dairy products. Discharged employees were to receive as liquidated damages 5 per cent per month of any unpaid wages due at the time of discharge. This act was amended in 1919 (ch. 221) by continuing the full wages in force at the same rate as the workman had been earning, the penalty to run until final payment. Besides the fault of classification, the payment of penalty to a private person was held to be in violation of a specific provision of the State constitution, so that the earlier act and its amendment were "altogether void" (*Livingston v. Susquehanna Oil Co.* (1923), 113 Kans. 702, 216 Pac. 296). There was in existence at the time of this trial an act of 1911 (secs. 5880, 5881, Gen. Stats.) which was of general application to firms and corporations, and provided for wages to continue for not more than 60 days at the same rate as if services had continued. Of this statute the court said that it does not trench on either the State or the Federal Constitution, so that "no constitutional infirmity inheres in the act." While the statute calls the continued allowance of wages a penalty, the court was of the opinion that "it is essentially compensatory in its nature," remedying a private wrong which was especially burdensome in the case of corporations represented by various officials and functionaries without personal liability. The distinction between such employment and that of the individual employer not covered by the act was sufficiently different to leave the law in effect.

An Indiana statute (Acts of 1915, ch. 51) required payment within 72 hours after demand by an employee leaving employment, continuing the wage for a period not to exceed the amount originally due; also subjecting the employer to a fine of from \$100 to \$500. It was said of this statute that it deprived of due process and equal protection of the laws, the penalty being "so severe and oppressive as to be wholly disproportioned to the offense." The statute was therefore declared void (*State v. Martin* (1923), 193 Ind. 120, 139 N. E. 282). Like condemnation was visited on an act of 1913 (ch. 27), which provided for a semimonthly pay day, and penalized nonpayment on discharge. As to the first named feature, the court found it as arbitrary an interference with the freedom of contract as the law found unconstitutional in the case, *Republic Iron & Steel Co. v. State* (p. 17), and for that reason invalid. But the chief objection was the cumulative penalty for nonpayment on discharge, "threatening such dire consequences" if the employer should venture to litigate the claims, as arbitrarily to deprive him of property in an unconstitutional manner (*Superior Laundry Co. v. Rose* (1923), 193 Ind. 138, 137 N. E. 761).

An incidental question arising out of the operation of a law of this class was passed upon by the Supreme Court of Washington (*State v. Superior Court of King County* (1913), 73 Wash. 33, 131 Pac. 466), where the matter of jurisdiction was involved. Unpaid

wages amounting to \$9.50 were found to be due in a suit before a justice of the peace, together with a statutory award of \$25 for deferred payment. An appeal to a higher court was sought, and the question was as to whether or not the law limiting appeals to cases amounting to at least \$20 was a bar. The Supreme Court ruled that the penalty for deferred payment was a part of the amount in issue as truly as the actual wage debt, so that the appeal to a higher court would lie.

In a few States, laws exist regulating the giving of notice on the termination of employment. The tendency is to establish an equality of requirements, so that if an employer insists on a certain period of notice from an employee, the law requires reciprocal notice on his part in case of intended discharge. Under such a law it has been held that an employee is not subject to any forfeiture of wages by reason of leaving service without notice where an employer reduced the wages below the rate paid at the time the contract was entered into; nor on the other hand does the employer incur the penalty of forfeiture by reducing the wages without notice, since such an act is not a discharge (*Cote v. Bates Manufacturing Co.* (1897), 91 Me. 59, 39 Atl. 280). In a later case it was contended that the law of Maine providing forfeiture in case of departure without notice had been repealed by the statute requiring weekly payment of wages, and the payment of any employee leaving employment at the next regular pay day. The court rejected this contention, and held that while both laws related to the payment of wages, they had regard to different aspects of the question, and could coexist without conflict; a person abandoning employment without notice, under an agreement to give one week's notice, was therefore held to have forfeited wages for the last week worked (*Veitkunas v. Morrison* (1915), 114 Me. 256, 95 Atl. 947). This rule is an obvious application, modified by the requirement of reciprocity, of the common-law doctrine referred to at the beginning of this section, according to which an employee leaving service without good cause can recover nothing on account of past services, either on contract or on quantum meruit—a rule that was enounced in connection with a statute of Arkansas (sec. 6886), which was merely declaratory of the common law (*Latham v. Barwick* (1908), 87 Ark. 328, 113 S. W. 646). So in construing a reciprocity provision of the law of Wisconsin (sec. 103.17), it was said that an employer discharging an employee without the agreed notice was liable to him in damages, the measure being the wages he would have earned during the period of notice (*Babcock v. Appleton Mfg. Co.* (1896), 93 Wis. 124, 67 N. W. 33); and where an employee quits without notice, he will be held to lose his wages for the agreed period, the amount being regarded as liquidated damages, and not as a penalty. (*Fisher v. Walsh* (1899), 102 Wis. 172, 78 N. W. 437).

The law of Connecticut forbidding the withholding of wages for failure to give notice was said not to prevent an agreement, under forfeiture, that reciprocal notice should be given (*Pierce v. Whittlesey* (1889), 58 Conn. 104, 19 Atl. 513). It was said in this case that there was a fair contract, on sufficient consideration, the agreement being to relinquish the wages in case of leaving without notice, so that none were due.

SCRIP—COMPANY STORES

The use of scrip, tokens, or orders in lieu of currency for the payment of wages has been restricted or prohibited by the laws of a number of States. There are obvious evils connected with such a practice, including the limitation of the employees' freedom to contract, the establishment of monopoly, and the circulation of evidences of indebtedness that are of questionable status. That the practice may be condemned under principles of common law is evident from a decision of the Supreme Court of Florida, which declared invalid a contract between a large employing corporation and a commercial partnership, providing that the employer should lease its storehouse to the partnership, and pay its employees in merchandise checks directed exclusively to the latter; the partnership to pay the employer 5 per cent commission on its gross sales. Such a contract was said to tend toward monopoly, increasing the price of goods, and injuring a large number of persons, so that it was unenforceable (*Stewart v. Stearns & Culver Lumber Co.* (1908), 56 Fla. 570, 48 So. 19).

The validity of laws regulating the subject is sustained by a leading decision of the Supreme Court (*Knoxville Iron Co. v. Harbison* (1901), 183 U. S. 13, 22 Sup. Ct. 1). A Tennessee statute required employers generally who issued orders or coupons in payment of wages to redeem the same in good and lawful money in the hands of employees or of bona fide holders. The instant case involved a claim of a buyer at a discount of 15 per cent. He was held to be a bona fide holder within the terms of the law, and the company liable for payment. Coal orders had been issued under circumstances amounting practically to compulsion, and it was ruled that these were within the intended purpose of the law to ameliorate the condition of employees who were at some disadvantage in dealing with their employers, so that the redemption at face value was ordered. The statute applies not only to citizens of the State, but to foreign corporations as well, as a condition of their doing business in the State in compliance with its laws (*Dayton Coal & Iron Co. v. Barton* (1901), 183 U. S. 23, 22 Sup. Ct. 5).

The statute under consideration above was of general application. Laws attempting classification have been declared invalid on account of discrimination, as between corporations and other classes of employers, and also between corporations or trusts employing 10 or more persons and those with a smaller number (*State v. Haun* (1899), 61 Kans. 146, 59 Pac. 340). The court here said further that the statute was an interference with the right of competent persons freely to contract, but it may be noted that this expression is not in harmony with the somewhat later pronouncement of the Supreme Court. The same defect was found by the Supreme Court of Indiana in an act of March 11, 1901, which forbade the issue in or about coal mines in payment for the assignment of wages of employees of any check, token, or device redeemable otherwise than in lawful money. The statute was directed to merchants accepting such assignments, and was said to be class legislation, making an inequality between citizens equally meritorious and not essentially dissimilarly situated (*Dixon v. Poe* (1902), 159 Ind. 492, 65 N. E. 518).

Contrasting with the argument in the Haun case is a declaration of a Kentucky court upholding a law of that State which was applicable to corporations employing 10 or more persons in mining. It was said that the classification was consistent with the ends sought by the constitution of the State, that only large concerns would have company stores at which its scrip would be redeemable, and that the law met the abuse sought to be corrected, and was valid (*Commonwealth v. Hillside Coal Co.* (1900), 100 Ky. 47, 58 S. W. 441). In another case it was held no violation of the law for a mining company to issue checks to its employees on their application, payable in merchandise at a company store, such checks being issued between pay days. Any balance owing the employee was paid in cash at the end of the month, but no checks were redeemed. (*Avent Beattyville Coal Co. v. Commonwealth* (1894), 96 Ky. 218, 28 S. W. 502.) This was a criminal prosecution, and in a civil case of later origin it was held that this decision did not uphold the employer in a refusal to redeem his orders in the hands of a purchaser; but that after the wages were due, redemption in money was required by law and the right to such redemption was transferable (*Pond Creek Coal Co. v. Riley Lester & Bros.* (1916), 171 Ky. 811, 188 S. W. 907). Such redemption must be at the face value, the constitution of the State so requiring in its declaration that designated wage earners "shall be paid for their labor in lawful money." Redemption of time checks at a reduction of 10 per cent was declared to be a violation of the usury law, and not defensible as an interest charge (*Kentucky Coal Mining Co. v. Mattingly* (1909), 133 Ky. 526, 118 S. W. 350).

The status of tokens "good in trade" issued by an employer who refused to redeem them, while the merchant on whom issued likewise refused, was before the Indiana Appellate Court in a case in which it ruled that such issue was a violation of law, and that the tokens were not even evidence of indebtedness (*Naglebaugh v. Harder & Hafer Coal Mining Co.* (1898), 21 Ind. App. 551, 51 N. E. 427). However the workman had not forfeited his claim for wages by accepting such tokens, but could sue only on quantum meruit, the tokens not being an indication of the amount contracted for. An assignee was in no better position as to the redemption, and a refusal of the parties to redeem such tokens would give him no ground for action, since they were not commercial in quality, as he well knew when he took them. The court raised the question, but did not answer it, as to the subrogation of the assignee by means of an equitable assignment to the right of the employee to sue upon an account for labor, which would have been the original holder's only recourse. The New Jersey Supreme Court carried the point further in a criminal proceeding which was sustained against an employer who issued scrip in violation of a law forbidding such action, even though the employee agreed to accept such scrip in payment; the penalty attached was said to affect the employer only, and not the bookkeeper who was the agent in the transaction (*Cumberland Glass Co. v. State* (1895), 58 N. J. 224, 33 Atl. 210). The same position was taken by the Appellate Court of Missouri, which declared that the statute was expressive of public policy and could not be waived (*State v. Benn* (1902), 95 Mo. App. 516, 69 S. W. 484).

The Supreme Court of Missouri adopted a position that made an exception to the majority of the courts, and apparently disregards the pronouncement of the Supreme Court in the case of *Knoxville Iron Co. v. Harbison*, supra. This court had before it the same statute that was construed in the *Benn* case above, and declared it unconstitutional as interfering with the right of contract (*State v. Missouri Tie & Lumber Co.* (1904), 181 Mo. 536, 80 S. W. 933). The same position was taken by the Texas Court of Criminal Appeals (*Jordan v. State* (1907), 51 Tex. Cr. App. 531, 103 S. W. 633).

The decision last noted apparently discouraged the Texas Legislature, but in Missouri a law remains that requires the operators of all factories to pay wages semimonthly in "lawful money." It may be noted that the attitude of the courts of Texas, without regard to the statute, has been such as to give the holders of scrip or time checks a very uncertain right to recovery in any proceedings before the courts. It was said that an employer paying employees in scrip marked "not transferable," accepted at its own store for goods, need not redeem such scrip in the hands of a third person who had accepted it in payment for goods sold to country people who had sold produce to the employees of the issuing company, accepting this scrip as a medium of exchange. It was said that the employer might refuse to issue any scrip without giving the plaintiff ground for complaint, neither could he complain if scrip was issued by the employer, subject to the restriction against transfer, and the trade of his employees thus absorbed (*Robison v. Texas Pine Land Ass'n* (1897), Tex. Civ. App. 40 S. W. 843).⁴ It was said in another case that time checks issued between pay days as orders on the employer's company store only, not showing to whom or for what they were issued, nor showing any assumption of liability on the part of the company, did not create a prima facie liability for their redemption; nor did mere possession raise any presumption that a holder was entitled to the rights of the person to whom they were issued (*Attoyac Lumber Co. v. Payne* (1909), 57 Tex. Civ. App. 327, 122 S. W. 278). Such a construction, in the absence of a prohibitory statute such as existed in the *Naglebaugh* case, above, seems suggestive of an encouragement to escape liability for a promise made, and is in contrast with the attitude of the court in *Kentucky Coal Mining Co. v. Mattingly*, supra, where it was said that such a time check was a promise to pay, presumed by law to be for adequate consideration, of such value as the face indicated, and not requiring proof of genuineness as against the party issuing the same if he is unwilling to deny such genuineness.

It is clear that the majority of the courts are inclined to hold the employer responsible for such issues, while at the same time statutes regulating the subject are regarded as valid. Other citations to this effect are one of the Supreme Court upholding section 1819 of the Virginia Code (*Keokee Consol. Coke Co. v. Taylor* (1914), 234 U. S. 226, 34 Sup. Ct. 856); a West Virginia decision holding the law of that State constitutional (*Atkins v. Grey Eagle Coal Co.* (1915), 76 W. Va. 27, 84 S. E. 906, and citing an earlier

⁴ Compare *Stewart* case, p. 24, as to position in regard to monopoly.

decision upholding an antiscrip law where it was said that the statute was passed with a view to cutting off opportunity for fraud, and was fairly within the police power of the legislature (*State v. Peel Splint Coal Co.* (1892), 36 W. Va. 802, 15 S. E. 1000); and a rather cautious decision by the Supreme Court of Arkansas in which a statute requiring the redemption of store orders was held valid as a regulation of corporations under the reserve power of the State legislature (*Union Saw Mill Co. v. Felsenthal* (1908), 84 Ark. 494, 108 S. W. 217). The California Supreme Court made no such qualification in upholding the law of that State, saying that it was applicable to contracts in general, such contracts being subject to reasonable regulation designed to promote the general welfare (*Ex parte Ballestra* (1916), 173 Calif. 657, 161 Pac. 120); while a Louisiana law of similar effect was held valid both in its main aspect and in the provision authorizing a recovery of 10 per cent attorney's fees (*Regan v. Tremont Lumber Co.* (1913), 134 La. 199, 63 So. 874).

The operation of company stores is closely bound up with the issue of scrip and store orders, and has been absolutely prohibited in various States. The Supreme Court of Porto Rico regarded itself as warranted in sustaining a law of the island requiring cash payments and in allowing recovery in cash for any sum otherwise paid, citing as its basis of action decisions of the courts of the United States, State and Federal (*People v. Heirs of Serralles* (1923), 31 P. R. Rep. 699).

Although such laws are valid within the doctrines already presented, they can not go so far as to interfere with the financial interests of individuals, members of an employing corporation and interested in merchandise. Thus a Maryland law making it unlawful for any officer of a corporation to have any interest whatever in any merchandise business, whether or not sales are made to the employees of the corporation, was said to be obnoxious to the equal protection clause of the fourteenth amendment (*Luman v. Hitchens Bros.* (1899), 90 Md. 14, 44 Atl. 1051). So also in a Pennsylvania case, a law forbidding manufacturing corporations to make goods for or sell goods to their employees other than goods of their own manufacture as allowed in the charter was said to prevent the owners of stock of a corporation from engaging in other business, and the fact that stockholders in a company are also partners in a store does not make the two identical. If any employee directs his wages to be applied on a debt for goods sold to him by such store, it is a valid transaction and he can not afterward recover his wages from the employing company (*McManaman v. Hanover Coal Co.* (1890), 6 Kulp 181). Also where store orders were accepted, the law of North Carolina declaring scrip transferable (sec. 4479) was said not to authorize a demand for redemption in money, as restrictions on the right to contract must be strictly construed (*Marriner v. Roper Co.* (1893), 112 N. C. 164, 16 S. E. 906).

DEDUCTIONS AND DISCOUNTS

In line with the purpose of securing the full payment of wages earned or contracted for are laws relating to the withholding of

discounts for advances made prior to the regular pay day. The amount deductible for such payments may be regulated, or deductions may be prohibited entirely. The law of Indiana simply requires payment of wages in full at fixed pay days, "if demanded." It was held that where partial payments in advance were accepted, minus an agreed discount of 10 per cent, there was no violation of the law forbidding assignment of wages. Payments had been made semimonthly but could be had weekly, under the law, if demand was made. In the absence of such demand there was no basis for a recovery under the weekly payment law; and since the deduction had been agreed to at the time, it must be deemed that the employee chose the smaller sum in consideration of the earlier payment (*Princeton Coal Co. v. Dorth* (1921), 191 Ind. 615, 133 N. E. 386; rehearing denied (1922), 191 Ind. 615, 134 N. E. 275).

A law of Massachusetts regulates deductions for imperfect work, made from the pay of the following week. A workman from whose wages such deduction had been made claimed a violation of the law requiring weekly payment in full, but the court ruled that this provision had been met since the workman had been overpaid for the preceding week and the contract as to deductions was a lawful and justifiable arrangement, the acceptance of which was implied by conduct if not in words (*Gallagher v. Hathaway Mfg. Co.* (1898), 172 Mass. 230, 51 N. E. 1086). The Supreme Court of Georgia passed upon the question under the terms of the common law, holding that in the absence of an agreement or recognized custom an employer can not make deductions from an employee's wages to offset losses due to the employee's mistakes (*Georgia R. Co. v. Gouedy* (1900), 111 Ga. 310, 36 S. E. 691). It was also held in this case that receipting a monthly payment for the balance under protest did not estop the employee's claim for the amount deducted.

Several States prohibit the deduction of wages for the maintenance of relief associations or hospitals by the employer as a compulsory proposition. Such a law was held constitutional by the Supreme Court of Ohio, and an employee was allowed to recover penalties for its violation (*Baltimore & O. S. W. R. Co. v. Bailey* (1919), 99 Ohio St. 312, 124 N. E. 195). However, where such deductions have been made in violation of the law, illegality of the act can not be pleaded by the employing firm as exempting it from liability under its contract to supply hospital treatment to workers whose wages have thus been withheld, nor from liability for damages for the malpractice of a surgeon employed by it (*Wabash R. Co. v. Kelley* (1898), 153 Ind. 119, 52 N. E. 152).

A different phase of the problem was involved in an Illinois case where salaries of public employees were levied on for the establishment and maintenance of a retirement fund. Certain classifications must be observed on account of the provisions of the constitution and laws establishing the offices, but the principle itself was sustained (*Higgins v. Sweitzer* (1920), 291 Ill. 551, 126 N. E. 207). The contention was made that the plaintiff was deprived of property without due process of law, but the court ruled "that the right to prospective salary of an office or position is not a property right," so that the deduction "in no sense invaded any property rights of the persons affected," citing *Helliwell v. Sweitzer* (1917), 278 Ill. 248, 115 N. E. 810.

PRIORITY OF WAGE CLAIMS

The right of workmen to a prior claim to the results of their labors has long been recognized, the common law giving a lien on property worked on at the request of the owner or other properly authorized person, enforceable by sale, from the returns of which the charges of the workmen are to be paid. This applies to personal property, and practically every State has a statute defining and enforcing this right. Liens on realty are also provided for to secure the payment of wages for improvements. The liens given in these various cases are of a superior rank, and the principle is extended to the general situation in which an employer of labor has died, become bankrupt, or is otherwise disqualified, executors and administrators as well as receivers and assignees being subject to service for such preferred claims. The statutes on the subject define the relative rank of such claims, subsequent to claims of the government and to the costs of administration or preservation of the estate, etc., but ranking above the ordinary debts. The constitutionality of such laws would seem to be thoroughly established, but a challenge was made of a Kentucky statute on the ground that it was discriminatory. The United States Circuit Court of Appeals, however, sustained the law, even though of somewhat limited application, i. e., to manufacturing establishments, and found the classification not unreasonable or arbitrary (*Central Trust Co. v. George Lueders & Co.* (1915), 221 Fed. 829).

The priority of wage claims does not assist a person voluntarily assuming the obligation of meeting such claims, as where the president of a corporation advanced money on his own account to pay the wages of the workmen, corporation funds being lacking; he was not allowed to recover, although claiming that by his act he was subrogated to the rights of the workmen (*Suddath v. Gallaher* (1894), 126 Mo. 393, 28 S. W. 880). Possibly some doubt is cast on the correctness of the ruling in that case by the declaration of the Supreme Court that the preference given by the Federal bankruptcy act affects the debt and not the person owed, so that it follows the wage claim into the hands of an assignee, attaching "to the claim and not the claimant" (*Shropshire, Woodliff & Co. v. Bush* (1907), 204 U. S. 186, 27 Sup. Ct. 178). Though this case is not on all fours with the *Suddath* case, it does appear to be in direct contradiction of a decision by the Supreme Court of Arkansas to the effect that a preference granted by such a statute is a personal right which does not pass with an assignment of the debt (*Richeson v. National Bank of Mena* (1910), 96 Ark. 556, 132 S. W. 912).

A distinction was drawn in an Oregon case (*Falconio v. Larsen* (1897), 31 Oreg. 137, 48 Pac. 703), where it was said that the right to the preference is personal in so far as the exercise of the privilege of claiming it is concerned, but when the right is once exercised it becomes an incident of the debt or claim and passes with an assignment, so that it carries over every advantage that the laborer himself may have had in prosecuting the claim. In this connection, mention may be made of a case involving the same principle, though arising in connection with a different class of regulation (*National*

Market Co. v. Maryland Casualty Co. (1918), 100 Wash. 370, 170 Pac. 1009). Here an assignee of workmen's wages sought to claim the protection afforded employees by a contractor's bond, when checks in which they had been paid were not honored by the bank on account of insufficient funds. The court held that the contractor and his guarantor were liable to the present holder equally with their liability to the original recipients of the checks as wage payments.

The Supreme Court of Missouri considered the preference law of that State in regard to the charge that it effects an impairment of rights, ruling that the statute impressed on the assets in the hands of a receiver or trustee a priority in the nature of a lien in favor of wage earners only after the transfer had been made, that due notice and opportunity for contest had been provided, and that therefore there was no failure of due process of law (*Hennig v. Staed* (1897), 138 Mo. 430, 40 S. W. 95).

The preference given by the New York statute affects "wages or salaries actually owing to the employees of the assignor or assignors at the time of the execution of the assignment." This was held to cover all wage debts then owing, and not merely debts owed to persons then employed. (In *re Scott* (1896), 148 N. Y. 588, 42 N. E. 1079.) Inasmuch as the Federal statute grants priority to such debts as are given priority by the State law, wages having this favored status under the New York statute which were not earned within the three months prior to commencement of proceedings in bankruptcy designated by the Federal law, are nevertheless secured by it (In *re Slomka* (1902), 117 Fed. 688).

Some conflict appears to exist with regard to the relative rights of wage claimants and holders of prior mortgages. Thus it was said of the Missouri preference law that it was not intended to impair the vested lien of a prior mortgage (*Fitzgerald v. Meyer* (1896), 65 Mo. App. 665); but that it does give a preference over all other liens except mortgage liens (*Cunningham v. Mining Co.* (1903), 103 Mo. App. 398, 76 S. W. 487); while an Indiana court (*Bell v. Hiner* (1896), 16 Ind. App. 184, 44 N. E. 576) held that property transferred to a creditor under a chattel mortgage is subject to the wage-claim preference established by the statute, even though the mortgage is of a date prior to the earning of such wages. The supreme court of that State later took the view that such a rule was founded on the broadest equity, being for the protection of a peculiarly helpless and meritorious class of creditors (*Small v. Hammes* (1901), 156 Ind. 556, 60 N. E. 342). However, the opinions in these cases were later disapproved and prior mortgages held superior to preferences given to wage claims (*McDaniel v. Osborn* (1905), 166 Ind. 1, 75 N. E. 647).

The United States Circuit Court of Appeals ruled that the New York law was not sufficiently definite in its expression to support a conclusion that a preference "over all claims" should be construed as giving preference over prior mortgages (*Schmidtman v. Atlantic Phosphate & Oil Corp.* (1916), 230 Fed. 769 (C. C. A.)). The same court for another circuit construed an apparently more explicit law of North Carolina (which provided that mortgages of corporations can not exempt their earnings from execution to satisfy judgments

for wage debtors) to inure also to the protection of an assignee of wage claims who had advanced money in exchange for such assignments, operating through the employer and not dealing directly with the men (*Union Trust Co. v. Southern Sawmills & Lumber Co.* (1909), 166 Fed. 193 (C. C. A.).⁵ The Supreme Court of Florida likewise gave a broad construction to the law of that State, holding that wages earned by employees after the appointment of a receiver were entitled to preference over prior judgment creditors, on the ground that the services rendered were necessary to the operation of the company (*Florida Construction & Realty Co. v. Pournell* (1918), 76 Fla. 395, 80 So. 54); and it is not clear on what grounds wage claims should be denied priority, even as against the holders of prior mortgages, since in many cases at least, their continued services are necessary to preserve the value of the mortgaged property.

The question may arise as to who are contemplated by the law as entitled to its benefits. A New York statute uses the term "wages of employees," and defines an employee as a "mechanic, workingman, or laborer." Such language was held to exclude the claim of the president and manager of a bankrupt corporation, even though he did manual work about the plant, the United States District Court stating that the purpose of the act was to protect the genuine employees of stockholders, and not self-employed workers (*Van Vlaanderen v. Peyet Silk Dyeing Corp.* (1921), 278 Fed. 993). In another case construing the Federal bankruptcy act it was held that the general manager of a company engaged in buying, selling, and repairing motor cars was not entitled to the preference given, though the superintendent personally engaged in the work of the business was within the act (*Blessing v. Blanchard* (1915), 223 Fed. 35 (C. C. A.)).

The law governing executions is construed in practically the same way, as appears from a decision by the Supreme Court of Washington, where it was held that the statute directing the officer in charge of property under a writ of execution etc., to pay wage claims after notice did not deprive of property without due process of law nor deny equal protection of the law (*Gleason v. Tacoma Hotel Co.* (1897), 16 Wash. 412, 47 Pac. 894).

ASSIGNMENTS

Restrictions or prohibitions on the assignment of wages, and particularly of wages not yet earned, exist in the laws of a number of States. This is obviously an interference with the freedom of the employee to dispose of his earnings, and has been challenged on the ground of its alleged infringement with property rights. However, a law forbidding all assignments of future wages was sustained as valid by the Supreme Court of Indiana (*International Textbook Co. v. Weissinger* (1903), 160 Ind. 349, 65 N. E. 521), the court holding that the law provided full weekly payment in order to secure against delay and loss, and inconvenience and suffering on the part of those dependent on such wages for support; while the prohibition against assignments would safeguard the workman from oppression, extortion, and fraud, and from the consequences of his weakness,

⁵ Compare this decision with that in the *Sadduth* case, p. 29.

folly, or improvidence—forms of expression that are strongly condemned in other decisions which declared laws invalid because treating competent adults as if they required guardianship. (See *Godcharles & Co. v. Wigeman* (1886), 113 Pa. St. 431, 6 Atl. 354.) In this *Godcharles* case an antiscrrip law was denounced as “an insulting attempt to put the laborer under a legislative tutelage.” Both expressions are extreme and neither attitude is necessary as a basis for a determination of the constitutionality of restrictive laws.

Perhaps the leading case under this head is one decided by the Supreme Court of Massachusetts (*Mutual Loan Co. v. Martell* (1909), 200 Mass. 482, 86 N. E. 916), affirmed by the Supreme Court in 1911 (222 U. S. 225, 32 Sup. Ct. 74). The statute here was not prohibitive but regulatory, and required that the employer accept assignments, that they be recorded, and that the written consent of the spouse of a married assignor be secured. The interference with the freedom of contract was recognized, but it was said to be a valid exercise of the police power of the State. Recording lessens opportunity for dishonesty, as it puts other creditors on notice, while acceptance by the employer does away with litigation and protects against unscrupulous money lenders. Provision requiring the written consent of the wife of a man making an assignment was said to present a greater degree of difficulty, as she had no legal claim to his wages. However, on the grounds of the general welfare and her interest in the right use of the wages even though having no legal title thereto, that provision was upheld. The Supreme Court approved of these reasons, and added other grounds, saying that the law “has the same general foundation that laws have which prescribe the evidence of transactions and the manner of the execution and authentication of legal instruments.” The fact that banks and loan companies were not covered by the law was held not an improper classification, since it was uniform within the class to which it applied, thus falling within the discretion of the legislature as to the scope of the law.

The Indiana law was held to bar an agreement authorizing in advance that deductions should be made for a relief association maintained by the employer (*Wells v. Vandalia R. Co.* (1913), 56 Ind. App. 211, 103 N. E. 360).

A Tennessee statute, containing the same provision as to acceptance by the employer as the Massachusetts law, was held to render invalid an assignment not assented to by the employer either verbally or in writing (*West v. Jefferson Woolen Mills* (1922), 147 Tenn. 100, 245 S. W. 542). This statute was said to be constitutional inasmuch as it was not retrospective and dealt solely with contracts in the future, so that it impaired no obligations. An alleged bona fide bill of sale of wages, involving excessive discounts, was held by the United States Circuit Court of Appeals, construing a Tennessee statute, to be “merely a colorable scheme for the purpose of loaning money at a usurious rate of interest,” the controlling question being one of fact, not of the form or device used to cover up the actual transaction. (*Tennessee Finance Co. v. Thompson* (1921), 278 Fed. 597 (C. C. A.)) However, the Supreme Court of Georgia (*Tollison v. George* (1922), 153 Ga. 612, 112 S. E. 896) declined to extend the penal provisions of its wage brokerage law to a case of direct and absolute sale of a wage claim. Such sale was said to be affected only by the provisions of section 20 of that act, requiring a verified notice

of the assignment before it should be binding upon any person to whom it was directed. The penal provisions of the act were found in a previous section and were held to relate only to the sections preceding it, so that failure to comply with the provisions of section 20 involved no penalty.

Other decisions in this field that may be noted are one by the Court of Appeals of Maryland, upholding its law regulating assignments as a valid exercise of the police power (*Wight v. Baltimore & Ohio R. Co.* (1924), 146 Md. 66, 125 Atl. 881); one of Indiana sustaining the provision requiring the signature of a wife to an assignment by a married man, and making the section containing that provision of general application, and not merely to dealings with wage brokers (*Cleveland, C. C. & St. L. R. Co. v. Marshall* (1914), 182 Ind. 280, 105 N. E. 570); and one by the Supreme Court of Massachusetts which limited the validity of any assignment to the term of employment with the employer accepting the same, so that service on a new employer would be of no effect, and would be enjoined as oppressive and "intended to embarrass and hinder" the employee in the lawful exercise of his trade (*Raulines v. Levi* (1919), 232 Mass. 42, 121 N. E. 500). An Alabama law absolutely forbidding assignments was held valid on the ground that the legislature might regulate the lending of money (*Alabama Brokerage Co. v. Boston* (1922), 18 Ala. App. 495, 93 So. 289); and where an assignment forbidden by the act was presented to an employer and payment insisted on, resulting in the employee's discharge, the latter was entitled to recover damages against the loan company.

A common-law decision of the Supreme Court of Alabama sustained the validity of a standing arrangement by which an employer agreed to meet the indebtedness of his employees to a mercantile company up to \$25 per month if so much had been earned, and any garnishment by another creditor would affect only the excess above such assignment if any (*Harrison v. Louisville & N. R. Co.* (1898), 120 Ala. 42, 23 So. 790); while in Colorado a continuing assignment of wages to a supply company was held valid, the extension of credit being a valuable consideration (*Colo. Fuel & Iron Co. v. Kidwell* (1904), 20 Colo. App. 8, 76 Pac. 922). It was said that the assignment would necessarily be indefinite since the term of employment was uncertain and also the amount of supplies desired; but as the intention of the parties was clear, the assignment would take precedence over claims by attaching creditors.

Where assignments are made under the terms of acts regulating wage brokers, or under the small loans acts or similar statutes, the terms of the laws must be complied with.⁶ A somewhat frequently occurring provision is one limiting the amount assignable, or, to state the rule conversely, exempting certain percentage of the wages from assignment. The foregoing discussion of principles of construction applies to these laws, some of the cases being based directly on such legislation.

EXEMPTIONS

A very common protective provision is an exemption of a certain amount or percentage of the employees' wages from garnishment,

⁶ For a summary of these laws, see Bul. No. 370, pp. 62-65.

attachment or other process, in order to secure to those dependent upon their wages a means of support for themselves and their families. Such laws are constitutional, and their provisions may not be waived (*Richardson v. Kaufman* (1905), 143 Ala. 243, 39 So. 368). Common phraseology makes the law apply to the wages, earnings, or salary of a judgment debtor, or to all "daily, weekly, or monthly wages." The latter is the present reading of the Georgia statute, but an earlier law was enacted for the benefit of "journeyman mechanics and day laborers." This gave rise to litigation as to who are and who are not included under the act. It was recognized that wages included not only stipulated daily earnings, but also earnings at piece or contract rates (*Swift Mfg. Co. v. Henderson* (1896), 99 Ga. 136, 25 S. E. 27); or under a similar law of Tennessee, iron puddlers at ton rates (*Adcock v. Smith* (1896), 97 Tenn. 373, 37 S. W. 91). The law of Georgia was held to be applicable to a street-car conductor as a laborer (*Stuart v. Poole* (1901), 112 Ga. 818, 38 S. E. 41); while that of Louisiana exempting "laborer's wages" was construed as applicable to workmen who "possess no particular skill," so that a locomotive engineer would not be protected by the act (*State v. Land* (1902), 108 La. 512, 32 So. 433). The court stated in its syllabus that "mechanical engineers, electrical engineers, clerks, agents, cashiers of banks, bookkeepers, and all that class of employees whose employment is associated with mental labor or skill are not considered as laborers."

As more commonly phrased, such discussions are not involved, though the language of the law may involve a determination of the status of the workman as the head of a family. The Supreme Court of Oklahoma (*Rolator v. King* (1903), 13 Okla. 37, 73 Pac. 291) construed the law of that State as applicable to those who had persons morally or legally claiming support from them, so that a single man caring for his mother and sister was said to be within the terms of the law.

Where the statute exempted a fixed amount it was construed to apply to the monthly wages, so that if the exemption covered such wage, no single writ or series of writs could be levied to aggregate balances so as to give a garnishable sum (*Chapman v. Berry* (1895), 73 Miss. 437, 18 So. 918); nor can an employer neglect to plead the exemption amount established by law and permit a levy to be made on wages in his hands, such failure leaving him liable personally for any resulting judgment (*City of Laurel v. Turner* (1902), 80 Miss. 530, 31 So. 965). Where the law provides that the writ shall attach only to wages due at the date of service, wages earned at that time but not payable are not affected by the writ (*Weaver v. Hill* (1896), 97 Tenn. 402, 37 S. W. 142). It is, however, a common provision that a writ has a continuing effect, so that as wages fall due the portion not protected by the exemption provision shall be paid over to the judgment creditor until his claim is satisfied.

Special regulations exist in a number of States as to the garnishment of the wages or salaries of public officers and employees. Thus a Tennessee statute permits municipalities of the State to accept garnishment the same as private employers, and this statute was held constitutional over the contention that it was class legislation, since employees of the State itself were not included. It was held, how-

ever, that the classification was natural and reasonable, and was within the power of the legislature unless it could be shown to be palpably arbitrary (*Cavender v. Hewitt* (1922), 145 Tenn. 471, 239 S. W. 767).

Inasmuch as the laws of different States vary in regard to exemption amounts, conditions, etc., a creditor might be disposed to sue elsewhere than in the State of the debtor employee's residence in order to escape the limitation of the State law. Such transfer of claims or removal of actions is quite generally prohibited, as being an attempt to nullify the law enacted for the protection of citizens of the State. Such a statute was sustained as constitutional by the Supreme Court of Indiana, both parties to the proceeding being residents of that State. The employer had been compelled to pay over the wages due its workman under the judgment, whereupon the latter sued his creditor, who had transferred a claim to a nonresident, and was awarded damages for the alleged "oppressive garnishment" (*Markley v. Murphy* (1913), 180 Ind. 4, 102 N. E. 376). Inasmuch as the statute was a penal one, it was contended that no private actionable wrong could result from its violation, but the court declared that the statute intended to preserve the debtor's constitutional right and protect by further legislation against action intended to subvert the provisions of exemption laws of the State by "sharp trick." The defendant was in fact exposed to a double liability—punishment by the State and a compulsory remuneration of the injured party (citing *Kestler v. Kern* (1891), 2 Ind. App. 488, 28 N. E. 726).

In the absence of a prohibitory law, it was ruled that where the creditor assigned his claim to a nonresident who brought garnishment proceedings, the latter acquired an inchoate lien on the debt so that the employer could not voluntarily pay his workman the subject amount; but no garnishment would be effective until judgment was rendered. Prior proceedings within the State of the residence of the employer and employee determined certain exemption rights of the latter which give him an immediate claim to his wages which the employer would then be warranted in paying, and offering such payment in defense of further proceedings in any other State (*Becker v. Illinois C. R. Co.* (1911), 250 Ill. 40, 95 N. E. 42). It was further found that if the employer delayed in making the payment until the judgment and issue of writ in the other State he was still subject to the judgment of prior date in his own State, as the State must enforce its laws in behalf of its own citizens, and the status of the debt had been fixed before the foreign judgment was rendered.

A law of Missouri forbidding suits in foreign jurisdictions to secure judgments against wages owed to a resident of the State where the employer was subject to process within the State was said to be unconstitutional as creating discriminatory exemptions, abridging the privileges and immunities of citizens, and depriving certain creditors of the equal protection of the laws (*In re Flukes* (1900), 157 Mo. 125, 57 S. W. 545). This is, of course, in direct conflict with the decision of the Supreme Court of Indiana in the *Markley* case above; while the Supreme Court of Nebraska declared a similar law constitutional (*Gordon Bros. v. Wageman* (1906), 77 Neb. 185, 108 N. W. 1067). Such a law has been on the statute books of a number of States for several years, while a correlative statute is found in

several States, declining to recognize judgments against the wages of a nonresident workman entitled to exemptions by the law of the State of his residence.

A converse proposition to that of exempting wages from execution is one declaring no property exempt from execution in an action to secure the payment of wages. Such a law of the State of Washington was declared unconstitutional on the ground that it impaired certain exemption rights guaranteed by the constitution of the State, and was also violative of the rule of equal protection and immunities secured by the constitution (*Verino v. Hickey* (1925), — Wash. —, 237 Pac. 5).

SUITS FOR WAGES

While the technical procedure involved in bringing suits for wages does not fall within the scope of the present undertaking a few phases of the question may be noted.

Attorneys' fees.—A number of States have laws allowing the successful claimant in a wage suit an additional recovery for attorney's fees. The validity of such laws is vigorously disputed. They have been upheld as a valid provision in Indiana (*Seeleyville Coal Co. v. McGlosson* (1906), 166 Ind. 561, 77 N. E. 1044), Illinois (*Vogel v. Pekoc* (1895), 157 Ill. 339, 42 N. E. 386), Minnesota (*Schmoll v. Lucht* (1908), 106 Minn. 188, 118 N. W. 555), Nebraska (*Singer Mfg. Co. v. Fleming* (1894), 39 Nebr. 679, 58 N. W. 226), etc. In the last-named case the provision was upheld as compensatory and not penal. No fee will be allowed if the recovery is less than the amount demanded, since the employer will not be penalized for refusing to pay more than was due (*Fletcher v. Massey* (1893), 49 Ill. App. 36).

In other States the provisions are condemned as giving one class an unequal advantage over another. (*Johnson v. Goodyear Mining Co.* (1899), 127 Calif. 4, 59 Pac. 304; *Atkinson v. Woodmansee* (1904), 68 Kans. 71, 74 Pac. 640); or the objection may be made that a plaintiff is, by such a law, given an advantage over a defendant, rendering the statute void on the basis of improper classification (*Davidson v. Jennings* (1900), 27 Colo. 187, 60 Pac. 354; *Randolph v. Supply Co.* (1895), 106 Ala. 501, 17 So. 721; *Chicago R. I. & P. R. Co. v. Mashore* (1908), 21 Okla. 275, 96 Pac. 630). A law relating to railroad companies only was declared discriminatory (*Gulf, etc., R. Co. v. Ellis* (1897), 165 U. S. 150, 17 Sup. Ct. 255). A like error of classification invalidated a Mississippi law which applied to wage claims against a single class of debtors, i. e., manufacturers (*Sorenson v. Webb* (1916), 111 Miss. 87, 71 So. 273). The criticism as to classification may be met by granting the attorney's fee to the successful party, instead of to the claimant only, and such a law has been declared constitutional as not being class legislation (*Grace Harbor Lumber Co. v. Ortman* (1916), 190 Mich. 429, 157 N. W. 96).

Overtime.—As a rule, suits for overtime pay will not succeed, in the absence of a special agreement, as services rendered under a contract are supposed to be covered thereby (*United States v. Martin* (1877), 94 U. S. 400; *Fitzgerald v. Paper Co.* (1902), 96 Me. 220, 52 Atl. 655). Where the law forbids overtime work it has been

said that the employee working extra hours is equally a violator of the law with his employer and can not recover additional wages for such unlawful act (*Short v. Buillion-Beck Mining Co.* (1899), 20 Utah 20, 57 Pac. 720). If an employee voluntarily continues work without any understanding as to whether he shall have pay for overtime and protests only weakly against the failure to pay added wages, it has been said that he will be deemed to have waived the right to claim additional pay (*Robinette v. Hubbard Coal Mining Co.* (1921), 88 W. Va. 514, 107 S. E. 285); and where an account stated has been submitted and settlement made in accordance therewith, such settlement will be a bar to any action for overtime pay, even though the statute may fix the term of a legal day's work (*Sumpter v. St. Helens Creosoting Co.* (1917), 84 Oreg. 167, 164 Pac. 708).

Where the labor is on public works with provisions for overtime in case of emergency, with compensation therefor, recovery will be allowed under the principle that the State has the power to prescribe for itself such rules of conduct as it deems best suited for the particular work in which it is engaged (*Turney v. J. H. Tillman Co.* (1924), 112 Oreg. 122, 228 Pac. 933); and even though the statute makes no specific provision for additional pay for overtime, a law prescribing current rates of wages for a day of eight hours authorized recovery, on the part of a workman rendering 12 hours' service daily, over a contention that by signing the monthly pay roll as a receipt for his wages the claimant had waived his right to action (*Wright v. State* (1918), 223 N. Y. 44, 119 N. E. 83).

Bonus.—Whether a bonus promised for the purpose of securing continuous service or diligent application can be recovered in an action the same as wages seems not to be settled. The Supreme Court of North Carolina (*Roberts v. Mays Mills* (1922), 184 N. C. 406, 114 S. E. 530) took the position that a promise to pay a bonus at the end of the year to those remaining continuously in the company's employ during the calendar year was a binding agreement without other action on the part of the employee than by continuing the work, and if an employee was discharged before the expiration of period without good and sufficient cause he was entitled to a pro rata amount of the promised bonus. A similar view was taken by the Supreme Court of Minnesota (*Youngsberg v. Lamberton* (1903), 91 Minn. 100, 97 N. W. 571), and of Wisconsin (*Zwolaneck v. Baker Mfg. Co.* (1912), 150 Wis. 514, 137 N. W. 769). In the last case named a by-law of the employing corporation promised a share of the profits to employees who would give 4,500 hours' service during 100 consecutive weeks. The company claimed that there was a specific contract with the employee which controlled the situation and that the by-law was not a part of such contract. The supreme court of that State took the view that the fact of a written contract did not change the situation, and that the by-law was an offer of an award for constant and continuous service, the acceptance of which would be presumed on performance of the work engaged in, "and after performance it can not be revoked, so as to deprive a person who has acted on the faith thereof of compensation."

Quite similar to the foregoing was the finding of the court in a case (*Wellington v. Con. P. Curran Printing Co.* (1925), 216 Mo.

App. 358, 268 S. W. 396), in which an employee was held to be entitled to recover an amount set aside as bonus for services rendered during the previous year, under an agreement based on the promise of the employer and complied with by continuance in service. It was said that the offer by the employer and acceptance by the employee "created a unilateral contract, and the principle of mutuality of contracts as it is applied generally has no place in the consideration of such contracts"; also that "the compliance with the terms of this offer of defendant created a contract supplementary to the contract of employment."

An opposite view was taken by the Court of Appeal of California, in a case where a promise had been made of a bonus to all salaried employees in the employment of the company during the calendar year. Near the close of the year an employee was discharged without cause, receiving wages only, the right to bonus being denied. The court held that he was entitled to nothing more, since the proposal to pay the bonus was in the form of voluntary gratuity and made no change "in the terms of their past, present, or future employment." The employee was not legally bound to remain, nor did the corporation bind itself to retain his services, so that no right of recovery existed. (*Russell v. H. W. Johns-Manville Co.* (1921), 53 Calif. App. 572, 200 Pac. 668.) A similar position was taken by the Appellate Court of Georgia with reference to an agreement to pay an additional sum above the agreed rate of earnings conditional on continuous and satisfactory service, supported by no change in the nature of the work done (*Duncan v. Cone Co.* (1915), 16 Ga. App. 253, 85 S. E. 203). This was said to be true whether the sum promised was definite or indefinite. In a similar case it was said that the condition of satisfaction placed the matter of payment entirely within the option of the employer (*Davis & Co. v. Morgan* (1903), 117 Ga. 504, 43 S. E. 732); and that such a payment would be a mere gratuity unless supported by a new consideration (*Willingham Sash & Door Co. v. Drew* (1903), 117 Ga. 850, 45 S. E. 237). However, it was conceded that if a promise thus conditioned was made at the beginning of the term it would be enforceable (*Phillips v. Hudson* (1911), 9 Ga. App. 797, 72 S. E. 178).

When the employer reserves the right to discharge "within the sole judgment of the company," the right to the bonus being thereby forfeited, no action lies for the recovery even of the sum due at the date of such discharge. "Its forfeiture provisions seem harsh, but we can only act upon the contract which the parties have made" (*Fontius Shoe Co. v. Lamberton* (1925), — Colo. —, 241 Pac. 542).

An agreement to pay a percentage of monthly profits does not permit deductions on account of losses during unprofitable months (*Girman v. Hampel* (1925), — Wis. —, 205 N. W. 393).

RAILROADS

The continuous operation of railway service is so absolutely necessary to the maintenance of life that the transportation industry is held to be affected with a public interest above other undertakings of private capital. For many years there have existed boards or commissions for purposes of conciliation and arbitration, but no binding

force attached to their awards, nor was the question of compulsory acceptance judicially decided. However, the act of September 3, 5, 1916 (39 Stat. 271), fixing an eight-hour standard workday for employees in transportation contained a provision, transitory in effect but clearly representing the principle, directing that during a limited period wages should "not be reduced below the present standard day's wage," and for all necessary time in excess of eight hours "not less than the pro rata rate" should be given. This act was passed at a time of critical necessity in industry on account of the European war, and was regarded by the Supreme Court as an arbitration award. While popularly known as "the Adamson eight-hour law" it was in actual effect an establishment of the eight-hour standard for measuring a day's work for purposes of reckoning compensation, in accordance with its own language. The court, by a divided bench, ruled that the statute was a valid regulation of both hours and wages, or at least that Congress had the power thus to regulate wages, though some judges questioned whether the attempt was made at this time (*Wilson v. New* (1917), 243 U. S. 332, 37 Sup. Ct. 298). A lower court held, however, that, as it was an arbitration proceeding, it affected only those classes of employees concerned in the dispute at the time, i. e., those engaged in the movement of trains, so that it was not applicable to the case of switch tenders, even though their constant presence was necessary in order that trains might move (*Coke v. Illinois C. R. Co.* (1919), 255 Fed. 190).

During the war-time administration of railroads by the United States, wages were adjusted by a labor board. The effect of its awards was considered in a variety of cases, the United States Circuit Court of Appeals holding (*Parker v. First Trust & Savings Bank* (1920), 266 Fed. 961) that where a company declined to submit a dispute to the board it was not bound by its determinations. On the other hand, where an order of the Director General provided that colored men employed in certain classes of service should be paid the same rate of wages as white men in the same capacities, recovery could be had for the wages of a negro brakeman who had been classed on the pay roll as a train porter and been paid wages as such porter in checks bearing the statement that they were "in full for service rendered" (*Dick v. Davis* (1923), 51 Wash. L. R. 278).

The transportation act of 1920 created the National Railroad Labor Board to act as a board of arbitration, with power to give publicity to its awards, but not to enforce them by legal processes (*Pennsylvania R. Co. v. United States Labor Board* (1923), 261 U. S. 72, 43 Sup. Ct. 278). This ruling doubtless conflicts with the position taken by the Supreme Court of Mississippi in a case (*Rhodes v. New Orleans G. N. R. Co.* (1922), 129 Miss. 78, 91 So. 281), in which the law was construed as giving authority to make binding determinations, so that an unpaid balance under an award for wages was held to be recoverable. Another aspect is given in a case when the arbitral proceedings and findings of the board have been accepted (*Hoey v. New Orleans G. N. R. Co.* (1925), 105 So. 310). The Supreme Court of Louisiana here took the view that where the company took action equivalent to a formal acceptance of a determination of the board it was estopped from contesting a claim for the amount awarded by it. It appears that the award was regarded as binding, not because Congress has power to establish

rates of its own motion but because, an arbitral board having been created and its acts recognized, the parties must abide by the consequences of such submission.

It has been held that there is no offense committed against the terms of the transportation act by reduction of wages by court order where a railroad in the hands of a receiver was not able to pay the existing rates, the law not being intended to produce confiscatory effects in violation of the fifth amendment to the Constitution (*St. Louis Union Trust Co. v. Missouri & N. A. R. Co.* (1921), 270 Fed. 796; *Birmingham Trust & Savings Co. v. Atlanta B. & A. R. Co.* (1921), 271 Fed. 731). In the latter case a provision of the arbitration act of 1913 requiring 20 days' notice before reducing wages was regarded as preventing the immediate taking effect of the reduction for certain classes of employees, the court saying that if the effect of such a construction was to concede to Congress the power to fix wages for that period, "a law so doing in avoidance of strikes, even when a classification is made of employees, is a valid regulation of commerce." A more recent decision by the Supreme Court of Georgia (*Coffee v. Gray* (1924), 158 Ga. 218, 122 S. E. 687) adopted the view indicated above, that where the paying of the current rate of wages did in effect take property without due process, in violation of the fifth amendment, the court could authorize reduction of operating expenses, including the wage scale.

SEAMEN

The employment of seamen is practically exclusively governed by Federal law, though certain remedies may be enforced in the State courts. The provision against payment of advances at the time of signing shipping articles was held to be applicable to foreign seamen signing in American ports, as well as to Americans (*The Kestor* (1901), 110 Fed. 432). So also as to the right of payment, the Federal law requiring the payment of one-half the wages earned at any port, refusal effecting a termination of the contract and immediate liability for all wages earned. This provision was held applicable in the case of a seaman shipping abroad in the service of a foreign vessel under a contract to receive his pay only at the expiration of the three-year term for which the contract was made (*Strathearn S. S. Co. v. Dillon* (1920), 252 U. S. 348, 40 Sup. Ct. 350). However, if advance payments have been made at the signing of a contract in a foreign port, such advances may be deducted from a settlement, though such would not be the rule under a contract made in the United States (*Sandberg v. McDonald* (1918), 248 U. S. 185, 39 Sup. Ct. 84). It was said in this case that Congress had no intention of criminally punishing acts legally done in a foreign jurisdiction. Four justices dissented in this case. It would seem quite clear from the foregoing that a contract undertaking to set a different time for the payment of wages than that prescribed by the law would be void, and it was so held in *The City of Montgomery* (1913), 210 Fed. 673. It was also held that the shipowner could not offer such a contract as a defense against an action for the recovery of added wages prescribed by the statute.

The provision last referred to is that of a continuance of the wages during the term of unlawful detention, at double the contract

rate. The right to recover such wages was held by the New York Court of Appeals (*Cox v. Lykes Bros.* (1924), 237 N. Y. 376, 143 N. E. 226) not to be a "penalty or forfeiture" under the exclusive jurisdiction of the courts of the United States, but the action was said to be essentially one for wages, of which any court might take jurisdiction. The employer had demanded a release in this case as a condition to the payment when finally made; but this was held not to be a bar to an action for recovery of the additional amount, since the courts are authorized to set aside such a release for good cause shown and "to take such action as justice shall require."

Where, however, there is a genuine point in issue, delay of payment may be excused, as where a shipowner refused to pay wages without deduction of hospital expenses of a seaman suffering from a disease due to his own misconduct, but united with the claimant in having the question adjudicated at the earliest possible moment. The court here held that no penalty for damages would be imposed for the delay in payment of wages (*Franco v. Seas Shipping Corp.* (1921), 272 Fed. 542). The full wages, however, were allowed. So also the added wages did not accrue in a case of delayed payment, where the delay was due to a dispute as to the effect of a request to the captain and owners of a vessel to pay a sum to another when such an amount had been earned. This was said to be in effect an assignment, made void by the law, but delay in paying over the balance was said not to be "without sufficient cause, and to hold otherwise would encourage seamen to speculate on controversies between themselves and the ship." (*The George W. Wells* (1903), 118 Fed. 761.)

Under the law, seamen signing for a voyage and discharged before its commencement or before one month's wages were earned are entitled to one month's pay. Seamen discharged under circumstances giving rise to a claim under this section were held not barred by the fact that they had, under protest, signed a release on the receipt of payment for the days actually worked, the court holding that to compel the signing of a release as a condition of receiving payment for the time worked was taking an advantage of necessity and compelling abandonment of the disputed question (*Brown v. U. S.* (1922), 283 Fed. 425). While the ship itself is primarily liable for earnings, if the sale of the vessel does not provide sufficient funds further action lies against the master in personam (*Everett v. U. S.* (1921), 277 Fed. 256).

Seamen leaving a vessel to engage in a strike are classified as deserters and are entitled to no pay for past services, unless on arrival at the port, half pay had been demanded and refused (*The M. S. Elliott* (1921), 277 Fed. 800 (C. C. A.)). The same was held to be the case with seamen and fishermen signing for service in Alaskan waters, but refusing to navigate the vessel on its return, claiming unseaworthiness, though a fair determination of seaworthiness had been made (*Heine v. Libby, McNeal & Libby* (1921), 116 Wash. 148, 205 Pac. 854). It was said that pay certificates issued in Alaska under conditions of coercion and duress had no validity and furnished no claim for recovery.

The foregoing gives a brief general view of the law affecting the contracts of seamen, who are a distinct and peculiar group of wage earners.

PART III.—TEXT AND ABRIDGMENT OF LAWS

ALABAMA

CODE OF 1923

Wages as preferred claims—In administration

SECTION 5822. *Rank.*—[Wages of employees for services rendered the year of the death of the decedent rank next after the funeral expenses, the costs of administration, expenses of last sickness, and taxes.]

Exemption of wages from garnishment, etc.

SECTION 7887. *Amount.*—[Wages in the amount of \$25 per month are exempt from levy under writs of garnishment, etc.]

Payment of wages due deceased employees

SECTION 7923. *Payment to widow, etc.*—Whenever an employee of another shall die intestate and there shall be due him as wages or salary a sum not exceeding one hundred dollars, the debtor may discharge himself from liability therefor by paying such amount to the widow of the deceased employee, or, if there be no widow, to the person having the actual custody and control of his minor child or children, or either, as the case may be, who may sue for and recover the same as part of the one thousand dollars in personalty exempted to them.

Garnishment of wages, etc., of public employees

SECTIONS 8088-8091. *Service.*—[Money due officials or employees in public service as salaries or wages may be garnished by service of a writ on the person authorized to make payment of the same, but only after final judgment or decree, and not on judgments issued ex delicto.]

SECS. 8092, 8093. *Payment.*—[Answer must show assent of person on whom the writ is served, who must thereafter draw no warrant or check for the wages or salary due until the garnishment proceedings have terminated, unless the writ is legally dissolved. After final judgment, the money must be paid into the court rendering the judgment.]

Wages as preferred claims—In receiverships

SECTION 10122. *Amount.*—[Wages or salaries for three months, not over \$300, owed by corporations or partnerships going into the hands of receivers, are to be paid first.]

Exemption of wages—Set-offs

SECTION 10172. *Written agreements required.*— * * * the wages or hire of any head of a family in this State, not having property liable to levy and sale under execution, can not be defeated or abated by any set-off of a money demand acquired by the person contracting to pay such wages by assignment or transfer, unless the parties otherwise agree in writing.

ALASKA

COMPILED LAWS OF 1913

Wages—Exemption—Preference

SECTION 1105. *Sixty days' earnings exempt, when.*— * * * The following property shall be exempt from execution if selected and reserved by the judgment debtor or his agent at the time of the levy, or as soon thereafter before sale thereof as the same shall be known to him, and not otherwise:

First. The earnings of the judgment debtor, for his personal services rendered at any time within sixty days next preceding the levy of execution or attachment, when it appears by the debtor's affidavit or otherwise that such earnings are necessary for the use of his family supported in whole or in part by his labor;

SEC. 1704. *Order of payment of demands.*—The charges and claims against the estate * * * shall be paid in the following order, * * * : First, funeral charges; second, taxes of whatever nature due the United States; third, expenses of last sickness; fourth, all other taxes of whatever nature; fifth, debts preferred by the laws of the United States; sixth, debts which at the death of the deceased were a lien upon his property or any right or interest therein according to the priority of their several liens; seventh, debts due employee of decedent for wages earned within ninety days immediately preceding the death of the decedent; eighth, all other claims against the estate.

ACTS OF 1913

CHAPTER 9—*Protection of employees as traders, etc.*

SECTION 1. *Coercion as to boarding or trading.*—It shall be unlawful for any person or corporation to compel by threats or intimidation, or threats of discharge, or to use any means to compel an employee against his will to board at any particular hotel, boarding house or other place where lodging or board may be provided, or to require an employee to purchase goods and supplies at any particular store.

SEC. 2. *Penalty.*—[Violations of this act shall be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment for not less than ten nor more than thirty days, or both.]

ACTS OF 1925

CHAPTER 45—*Payment of wages*

SECTION. 1. *Mode.*—It shall be the duty of every employer of manual labor performing services in Alaska to pay the wages or other compensation for such labor with lawful money of the United States or with negotiable checks, drafts or orders payable upon presentation without discount by some bank or depository within the Territory of Alaska unless a written valid contract to the contrary shall have been entered into by the employer and employees before such labor was performed, which contract shall state the term of employment, the rate of wages or compensation and the time, place and manner of payment, and a duplicate of such contract shall have been delivered to the employee.

SEC. 2. *Payment monthly.*—Every person or corporation employing labor in the Territory shall establish monthly pay days at which time such employer shall pay for all labor performed more than ten days prior to such pay day; *Provided, however,* That where the laborer's services are terminated all wages or other compensation for labor shall then become due and payable immediately, except in event of strikes in which more than ten employees participate, when the payment of moneys earned by such strikers may lawfully be postponed until the first regular pay day thereafter; *Provided, further,* That nothing in this section shall be construed to affect any valid contract entered into by the employer and employee.

SEC. 3. *Violations.*—Any employer who, having sufficient means so to do, or having sufficient property not exempt from execution so to do, shall willfully or fraudulently, with intent to annoy, harass, oppress, or defraud an employee, refuse to pay such employee upon demand the money due him

for labor as provided in this act, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding one thousand (\$1,000) dollars.

ARIZONA

REVISED STATUTES—1913

Exemption of wages from garnishment

PARAGRAPH 1452. *Exemptions.*—[One-half of the debtor's earnings for personal services for 30 days are exempt on affidavit that such earnings are necessary for the support of his family.]

Exemption of wages from execution

PARAGRAPH 3302. *Minor child.*—[Subdivision 19 exempts earnings of a minor child of a judgment debtor, if debt was not incurred for special benefit of such child.

Subdivision 20 is the same as par. 1452 above.]

Wages as preferred claims

PARAGRAPH 3677. *Insolvency.*—[Wages of miners, mechanics, salesmen, clerks or laborers, not over \$200 each, earned within 60 days of an assignment are to be paid before other creditors.]

PAR. 3678. *Death.*—[Same classes of persons and sums rank next after funeral expenses, expenses of last sickness, charges of administration, and allowances to widow and infant children.]

PAR. 3679. *Execution, etc.*—[Same classes of persons may give notice covering same amounts as above, which will be allowed unless contested by a party in interest. If contested, validity will be decided in summary procedure.]

Obtaining labor under false pretenses—Suits for wages

SECTION 524 (as amended 1921, ch. 26). *Fraudulent hiring.*—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.

Payment of wages

SECTION 704. *Semimonthly pay days.*—The State of Arizona, every department and institution of the State, every county and municipal corporation

within the State, every contractor (whether individual, firm, partnership, association, or corporation) employed under contract by the State, or by any of said departments, institutions, counties, or municipal corporations, and every company or corporation doing business in the State, shall designate regular days not more than 16 days apart as days fixed for the payment of wages to the employees thereof, and shall post and maintain notices, printed or written, in plain type or script, in at least two conspicuous places where said notices can be seen by said employees as they go to and from their work, setting forth said days as "pay days," and the State, and every such department, institution, corporation, or individual shall pay on each of said days to its or his employees in lawful money of the United States, or in negotiable bank checks payable on demand of the date of said day, all wages due said employees up to such pay day, except that said State, department, institution, corporation, or individual may withhold wages for not more than five days' labor due any employee remaining in the service thereof.

SEC. 705. *Discharged employees.*—Whenever an employee quits the service or is discharged therefrom, such employee shall be paid whatever wages are due him, in lawful money of the United States of America, or by check of even date on a bank, and said wages shall be paid at once.

SEC. 706. *Violations.*—[Violation of the two preceding sections, except by municipal corporations, is punishable by fine of not less than \$50 nor more than \$500.]

SEC. 707. *Payment in lawful money.*—Every employer within the State, whether the State, a subdivision of the State, corporation, company, association, firm, or individual, shall pay any wages or compensation due any employee thereof in lawful money of the United States or negotiable bank check payable on demand and dated not later than the day upon which said check is given, said check to be drawn upon some bank or banker located and carrying on business in this State, and not otherwise.

SEC. 708. *Penalty.*—Any person, firm, association, or corporation paying wages or compensation in any manner other than as provided in the preceding section shall be guilty of a misdemeanor.

SEC. 709. *Scrip, etc., to be redeemable in money.*—It shall be unlawful for any person, firm, company, or corporation owning or operating any mines, smelters, mills, or manufactory, or transacting any kind of general mercantile business in the State of Arizona, or any railroad company operating in the State of Arizona, to sell, give, deliver, or in any manner issue directly or indirectly to any person employed by him in payment of wages due for labor, or as advances on wages of labor not due, any scrip, check, draft, ticket, punch out, duebill, store order, or evidence of indebtedness payable or redeemable otherwise than in their face value in money; and any such person, acting member or agent of any firm, acting agent or officer of any company or corporation who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not over \$500 or be imprisoned in the county jail not more than six months nor less than one month.

SEC. 710. *Coercion in trade.*—Whoever compels or in any manner seeks to compel or coerce any employee or any person, firm, company, or corporation to purchase goods or supplies from any particular person, firm, company, or corporation shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not less than \$500 or be imprisoned in the county jail not more than six months.

ACTS OF 1917

CHAPTER 22.—*Payment of wages due deceased employees*

SECTION 1. *Payment without administration.*—The surviving husband or wife of any deceased person may, without procuring letters of administration, collect from any corporation, copartnership, association, or individual any sum of money which said corporation, copartnership, association, or individual may have owed such deceased person at the time of his or her death for wages earned by such deceased person while in the employ of such corporation, copartnership, association, or individual, provided said sum of money shall not exceed \$300.

SEC. 2. *Procedure.*—Any corporation, copartnership, association, or individual, upon receiving an affidavit stating that a person previously in the employ of any such corporation, copartnership, association or individual is dead, and that the affiant in such affidavit is the surviving husband or wife of such employee, as the case may be, and that the whole amount that such corporation, copartnership, association or individual owed such deceased person at the time of his or her death, does not exceed the sum of \$300, may pay to such affiant any amount of such wages earned by said deceased person if the same does not exceed \$300, and the receipt of such affiant shall be sufficient acquittance therefor.

ARKANSAS

DIGEST OF 1921

Wages as preferred claims—In administration

SECTION 97. *Rank.*—[Wages rank with expenses of last sickness, next after the funeral expenses.]

Wages as preferred claims—In insolvency of corporations

SECTIONS 1798, 1799. *Wages to be paid first.*—[No preferences are allowed in insolvency of corporations other than wages and salaries of laborers and servants. All other debts rank equally after the payment of such wages and salaries.]

Garnishment of wages of railroad employees

SECTION 4907. *Judgment to be recovered before issue of writ.*—Hereafter no garnishment shall be issued by any court in any cause where the sum demanded is \$200 or less and where the property sought to be reached is wages due to a defendant by any railroad corporation, until after judgment shall have been recovered by plaintiff against defendant in the action.

Exemption of wages from garnishment—Unlawful assignments

SECTION 5546. *Amount.*—[All wages for 60 days shall be exempt from garnishment or other seizure, unless, taken with other personal property, the total would exceed the limits of the constitutional exemption (\$200 if single, or \$500 if married).]

SECS. 5547, 5548. *Sending claims outside the State.*—[Sending claims outside the State or assigning them for collection with the intent of depriving resident debtors of their rights under the exemption laws of the State, when the parties are within the jurisdiction of the courts of the State is a misdemeanor.]

Wages as preferred claims—In insolvency

SECTION 5888. *Amount.*—[Salaries of employees earned within 3 months, and all wages are to be paid first in the distribution of assets by receivers.]

Contracts of employment

SECTION 6885. *Discharge without cause.*—If any employer shall, without good cause, dismiss a laborer prior to the expiration of his contract, unless by agreement, he shall be liable to such laborer for the full amount that would have been due him at the expiration thereof, * * *

SEC. 6886. *Abandonment of contract.*—If any laborer shall, without good cause, abandon his employer before the expiration of his contract, he shall be liable to such employer for the full amount of any account he may owe him, and shall forfeit to his employer all wages or share of crop due him, or which might become due him from his employer.

Payment of wages—Discharged employees—Scrip

SECTION 7125 (as amended 1905, No. 210). *Railroad employees.*—Whenever any railroad company or corporation or any receiver operating any railroad

engaged in the business of operating or constructing any railroad or railroad bridge, shall discharge with or without cause or refuse to further employ any servant or employee thereof, the unpaid wages of any such servant or employee then earned at the contract rate, without abatement or deduction, shall be and become due and payable on the day of such discharge or refusal to longer employ; any such servant or employee may request of his foreman or the keeper of his time to have the money due him, or a valid check therefor, sent to any station where a regular agent is kept, and if the money aforesaid, or a valid check therefor, does not reach such station within seven days from the date it is so requested, then as a penalty for such nonpayment the wages of such servant or employee shall continue from the date of the discharge or refusal to further employ, at the same rate until paid: *Provided*, Such wages shall not continue more than sixty days, unless an action therefor shall be commenced within that time: *Provided further*, That this act shall apply to all companies and corporations doing business in this State, and to all servants and employees thereof, and any such servants or employees who shall hereafter be discharged or refused further employment may request or demand the payment of any wages due, and if not paid within seven days from such discharge or refusal to longer employ, then the penalties hereinbefore provided for railway employees shall attach.

SEC. 7126. *Benefits not available, when.*—No such servant or employee who secretes or absents himself to avoid payment to him, or refuses to receive the same when fully tendered, shall be entitled to any benefit under this act for such time as he so avoids payment.

SEC. 7127. *Action for wrongful discharge.*—Any such servant or employee whose employment is for a definite period of time, and who is discharged without cause before the expiration of such time, may, in addition to the penalties prescribed by this act, have an action against any such employer for any damages he may have sustained by reason of such wrongful discharge, and such action may be joined with an action for unpaid wages and penalty.

SECS. 7128-7130. *Payment in scrip, etc.*—[The payment of wages in scrip, by tokens, draft, etc., payable or redeemable otherwise than in lawful money at the next regular pay day, is forbidden; so also to coerce or to attempt to coerce employees to purchase goods or supplies in payment of wages from any corporation, company, firm, or person; or directly or indirectly to sell to employees in payment of wages any goods or supplies at prices higher than a reasonable or current market value for cash. These provisions "do not apply to coal mines when less than twenty men are employed under the ground." ¹]

SEC. 7131. *Semimonthly pay day.*—All corporations doing business in this State who shall employ any salesmen, mechanics, laborers, or other servants for the transaction of their business shall pay the wages of such employees semimonthly.

SEC. 7132. *Violations.*—[Violation of section 7131 is punishable by not less than \$50 nor more than \$500 fine.]

Assignments of wages

SECTION 7133. *Employer to accept.*—No assignment or order for wages to be earned in the future to secure a loan of less than \$200, shall be valid against any employer of the person making any such assignment or order, until said assignment or order is accepted in writing by the employer and said assignment or order and the acceptance of same has been filed with the recorder of the county where the party making the assignment or order resides, if a resident of the State where he is employed.

SEC. 7134. *Wife's consent.*—No assignment of or order for wages to be earned in the future shall be valid when made by a married man, unless the written consent of his wife to making such assignment or order for wages shall be attached thereto.

¹ This final provision appeared in earlier acts, and was said by the supreme court of the State to "make an unlawful discrimination," and the acts were declared unconstitutional (*Union Sawmill Co. v. Felsenthal* (1908), 84 Ark. 494, 108 S. W. 217). The above section would seem to be void for the same reason. An act of 1901 (No. 101), requires the redemption of scrip at face value, and its acceptance as cash in any commissary of the company issuing the same, and was said by the court to be "if valid, in full force;" i. e., if had not been repealed by the later acts found unconstitutional.

Payment of wages—Discounting

SECTION 7356. Discounts restricted.—It shall be unlawful for any milling or manufacturing company, or any other person, corporation, or company employing persons to labor for them in the State of Arkansas, to discount the wages of their employees or laborers when payment is made or demanded before the regular pay days, more than at the rate of ten per cent per annum from the date of payment to the regular pay day, and all laborers shall be paid in currency at the place of business of the company, person or corporation so employing such labor in the State; unless the laborer elects to take drafts or checks in lieu of currency for pay. Any evasion or violation of this section shall be usury and a misdemeanor, and the person, company or corporation, or their agents, violating the same shall be fined in any sum not less than ten dollars nor more than five hundred dollars, and the entire property of the person, company or corporation shall be subject to the payment of the fine and costs.

CALIFORNIA

SIMS' DEERING'S CODES—1906

POLITICAL CODE

Overtime pay

SECTION 3246. Street railways.—Twelve hours' labor constitutes a day's work on the part of drivers and conductors, and gripmen of street cars for the carriage of passengers. Any contract for a greater number of hours' labor in one day shall be and is void, at the option of the employee, without regard to the terms of employment, whether the same be by the hour, day, week, month, or any other period of time, or by or according to the trip or trips that the car may, might, or can make between the termini of the route, or any less distance thereof. Any and every person laboring over twelve hours in one day as driver, or conductor, or gripman, on any street railroad, shall receive from his employer thirty cents for each hour's labor over twelve hours in each day.

SEC. 3247. Actions for wages.—In actions to recover the value or price of labor under section three thousand two hundred and forty-six of this code, the plaintiff may include in one action his claim for the number of days, and the number of hours' work over twelve hours in each day, performed by him for the defendant, and the court shall exclude all evidence of agreement to labor over twelve hours in one day for a less price than thirty cents, and the court shall exclude any receipt of payment for hours of labor over twelve hours in one day, unless it be established that at least thirty cents for each hour of labor over twelve hours in one day has been actually paid, and a partial payment shall not be deemed or considered a payment in full.

SEC. 3249. Application of law.—The provisions of section three thousand two hundred and forty-seven * * * of this code are applicable to every contract to labor made by the persons named in section three thousand two hundred and forty-six.

SEC. 3250. Violations.—[Violations of sec. 3246 entail forfeiture of the sum of \$50 to the use of the party prosecuting therefor, and any number of forfeits may be prosecuted in a single action.]

CIVIL CODE

Assignments of wages

SECTION 955 (added 1913, ch. 287). What assignments valid.—No assignment of, or order for wages or salary shall be valid unless made in writing by the person by whom the said wages or salary are earned and no assignment of, or order for, wages or salary made by a married person shall be valid unless the written consent of the husband or wife of the person making such assignment or order is attached to such assignment or order; and no assignment or order for wages or salary of a minor shall be valid unless the written consent of a parent or the guardian of such minor is attached to such order or

assignment. No assignment of, or order for, wages or salary shall be valid unless at the time of the making thereof, such wages or salary have been earned, except for the necessities of life and then only to the person or persons furnishing such necessities of life directly and then only for the amount needed to furnish such necessities. Any power of attorney to assign or collect wages or salary shall be revocable at any time by the maker thereof.

Employment of labor

SECTION 2002 (as amended 1915, ch. 433). *Payment of wages.*—An employee who is not employed for a specified term, dismissed by his employer, is entitled to compensation for services rendered up to the time of such dismissal.

SEC. 2003 (as amended 1915, ch. 433). *Same.*—An employee who is not employed for a specified term and who quits the service of his employer, is entitled to compensation for services rendered up to the time of such quitting.

SEC. 2004 (added 1921, ch. 901). *Deductions proportionate.*—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.

SEC. 2009. *Servant defined.*—A servant is one who is employed to render personal service to his employer, otherwise than in the pursuit of an independent calling, and who in such service remains entirely under the control and direction of the latter, who is called his master.

SEC. 2010. *Term of employment.*—A servant is presumed to have been hired for such length of time as the parties adopt for the estimation of wages. A hiring at a yearly rate is presumed to be for one year; a hiring at a daily rate, for one day; a hiring by piecework, for no specified term.

SEC. 2011. *Presumption.*—In the absence of any agreement or custom as to the term of service, the time of payment, or rate, or value of wages, a servant is presumed to be hired by the month, at a monthly rate of reasonable wages, to be paid when the service is performed.

CODE OF CIVIL PROCEDURE

Exemption of wages from execution

SECTION 690 (as amended 1907, ch. 479). *Exemptions.*—[Seamen's earnings up to \$300, no matter where or when earned, are exempt from attachment. Earnings of employees generally, for 30 days prior to the levy of execution, are exempt if it appears that they are necessary to the support of a family residing in the State; if not, or if the debt is for necessities, the exemption is reduced one-half.]

Suits for wages—Attorneys' fees

SECTION 924 (as amended 1907, ch. 51). *Fee allowed on recovery.*—The prevailing party in the justices' courts is entitled to costs of the action, and also of any proceedings taken by him in aid of an execution, issued upon any judgment recovered therein. In actions for the recovery of wages for labor performed, the court shall add, as part of the costs, in any judgment recovered by the plaintiff, an attorney's fee not exceeding twenty per cent of the amount recovered.

Wages as preferred claims—In assignments, etc.

SECTION 1204 (as amended 1901, ch. 102). *Assignments.*—[Wages of minors, mechanics, salesmen, etc., for 60 days prior to the assignment, not exceeding \$100 to each, must be paid before the claim of any other creditor.]

SEC. 1205 (as amended 1901, ch. 102). *Administration.*—[Wages as above must be paid in the case of the death of the employer, next after funeral expenses, expenses of last sickness, allowance to widow and infant children, and expenses of administration.]

SEC. 1206 (as amended 1901, ch. 102). *Executions.*—[Wages in the same amount as above must be paid first out of any funds in the hands of the levying officer at the time a verified statement of the wage claim is submitted.]

GENERAL LAWS

ACT No. 1828.—*Bureau of labor statistics*

SECTION 7 (as amended 1923, ch. 257). *Collection of wages.*—The commissioner and his representatives duly recommended by him in writing shall have the power and authority, when in his judgment he deems it necessary, to take assignments of wage claims and prosecute actions for the collection of wages and other demands of persons who are financially unable to employ counsel in cases in which, in the judgment of the commissioner, the claims for wages are valid and enforceable in the court; to issue subpoenas, to compel the attendance of witnesses or parties and the production of books, papers, or records, and to administer oaths and to examine witnesses under oath, and to take the verification or proof of instruments of writing, and to take depositions and affidavits for the purpose of carrying out the provisions of this act and all other acts now or hereafter placed in the bureau for enforcement. When such assignments for wage claims are taken, no court costs shall be payable by said labor commissioner for prosecuting such suits. * * *

ACTS OF 1911

CHAPTER 92 (as amended 1915, ch. 628).—*Payment of wages in scrip*

SECTION 1. *Orders, etc., to be negotiable.*—No person, firm, or corporation shall issue, in payment of or as an evidence of indebtedness for wages due an employee, any order, check, memorandum, or other acknowledgment of indebtedness, unless the same is negotiable, and is payable upon demand without discount in cash at some bank or other established place of business in the State; and no person, firm, or corporation shall issue in payment of wages due, or wages to become due an employee, or as an advance on wages to be earned by an employee, any scrip, coupons, cards, or other thing redeemable in merchandise or purporting to be payable or redeemable otherwise than in money. But nothing herein contained shall be construed to prohibit an employer from guaranteeing the payment of bill incurred by an employee for the necessaries of life or for the tools and implements used by such employee in the performance of his duties: *Provided, however,* That the provisions of this act shall not apply to counties, cities and counties, municipal corporations, quasi-municipal corporations or school district organized and existing under the laws of this State.

SEC. 2. *Violations.*—[The penalty for violation is a fine not exceeding \$500, or imprisonment for not over six months, or both.]

ACTS OF 1913

CHAPTER 198.—*Payment of wages—Seasonal occupations*

SECTION 1. *Definition.*—For the purpose of this act the term "seasonal labor" shall include all work performed by any person employed for a period of time greater than one month, and where the wages for such work are not to be paid at any fixed intervals of time, but at the termination of such employment, and where the work is to be performed outside of this State: *Provided,* That such person is hired within this State and the wages earned during such employment are to be paid in this State at the termination of such employment.

SEC. 2. *Payment of wages.*—Upon application of either the employer or the employee, the wages earned in seasonal labor shall be paid in the presence of the commissioner of the bureau of labor statistics or an examiner appointed by him.

SEC. 3. *Duties of commissioner.*—The commissioner shall hear and decide all disputes arising from wages earned in seasonal labor and he shall allow or reject any deductions made from such wages: *Provided, however,* That he shall reject all deductions made for gambling debts incurred by the employee during such employment and for liquor sold to the employee during such employment.

SEC. 4. *Award.*—After final hearing by the commissioner, he shall file in the office of the bureau of labor statistics, a copy of the findings upon facts and his award,

SEC. 5. *Same.*—The amount of the award of the commissioner shall be conclusively presumed to be the amount of the wages due and unpaid to the employee at the time of the termination of the employment, and prosecution may be commenced under the provisions of an act * * * [Chapter 663, Acts of 1911].

SEC. 6. *Powers of commissioner.*—The commissioner or any examiner appointed by him, shall have power and authority to issue subpoenas to compel attendance of witnesses or parties, and the production of books, papers or records and to administer oaths. Obedience to such subpoenas shall be enforced by the courts of any county or city and county.

SEC. 7. *Construction of act.*—This act shall not be construed to apply to the wages earned by seamen or other persons, where the payment of wages is regulated by Federal statute.

ACTS OF 1917

CHAPTER 141.—*Coercion of employees in trading*

SECTION 1. *Coercion unlawful.*—It shall be unlawful for any employer of labor, or any officer, agent or employee of any employer of labor to make, adopt or enforce any rule or regulation compelling or coercing any employee to patronize said employer, or any other person, firm or corporation, in the purchase of any thing of value: *Provided, however,* That nothing herein shall be interpreted as prohibiting any employer of labor from prescribing the weight, color, quality, texture, style, form and make of uniforms required to be worn by their employees.

SEC. 2. *Violations.*—[Violations are punishable by a fine not exceeding \$100 or imprisonment not exceeding 6 months, or both.]

ACTS OF 1919

CHAPTER 202.—*Times of payment of wages*

SECTION 1. *Termination of employment.*—Whenever an employer discharges an employee, the wages or compensation for labor or service earned and unpaid at the time of such discharge shall become due and payable immediately. Whenever an employee not having a written contract for a definite period quits or resigns his employment, the wages or compensation shall become due and payable not later than 72 hours thereafter, unless such employee shall have given 72 hours' previous notice of his intention to quit, in which latter case such employee shall be entitled to his wages or compensation at the time of quitting.

SEC. 2. *Semimonthly pay day.*—All wages or compensation other than those mentioned in section 1 of this act earned by any person in any employment not exempt by section 11 [10 (?)] of this act, shall become due and payable semimonthly or twice during each calendar month, on days to be designated in advance by the employer as the regular pay days: *Provided, however,* That services rendered between the 1st and 15th days, inclusive, of any calendar month shall be paid for between the 16th and the 26th day of the month during which services were rendered, and for all services rendered between the 16th and the last day, inclusive, of any calendar month, said services shall be paid for between the 1st and 10th day of the following month: *Provided, however,* That in agricultural, viticultural, and horticultural pursuits, in stock or poultry raising, and in household domestic service, and when the employees in the said employments are boarded and lodged by the employer, the wages or compensation due any employee remaining in such employment shall become due and payable monthly or once each calendar month, on a day designated in advance by the employer as the regular pay day, but no two successive such pay days to be more than 31 days apart, and the payment or settlement shall include all amounts due for labor or service up to the regular pay day.

SEC. 3. *Scope of act.*—The wages or compensation subject to the provisions of this act shall include all amounts for labor or service performed by employees of every description, whether the amount is fixed or ascertained by the standard of time, task, piece, or other method of calculating the same, or whether the labor or service is performed under contract, subcontract, partnership, subpartnership, station plan, or other agreement for the performance

of labor or service: *Provided*, That the labor or service to be paid for is performed personally by the person demanding payment. Nothing contained in this act shall in any way limit or prohibit the payment of wages or compensation at more frequent intervals, or in greater amounts or in full when or before due.

Sec. 4 (as amended 1925, ch. 76). *Act to be posted; penalties.*—Every employer shall post and keep posted conspicuously at the place of work, if practicable, or otherwise where it can be seen as employees come or go to their place of work, or at the office or nearest agency for payment kept by the employer, a notice specifying the regular pay days and the time and place of payment, in accordance with the provisions of section two of this act, also any changes in those regards occurring from time to time. Every employee who is discharged shall be paid at the place of discharge, and every employee who quits or resigns shall be paid at the office or agency of the employer in the county or city and county where such employee has been performing the labor or service for the employer. All payments of money or compensation shall be made in the manner provided by law. In the happening of any strike, the unpaid wages or compensation earned by such striking employees shall become due and payable on the employer's next regular pay day, and the payment or settlement shall include all amounts due such striking employees without abatement or reduction, and the employer shall return to each such striking employee any deposit or money or other guaranty required by him from such employee for the faithful performance of the duties of the employment. Any person, firm, association, or corporation, or agent, manager, superintendent, or officer thereof, who shall violate any of the provisions of this section or of section two of this act shall be guilty of a misdemeanor, and any failure to post and keep posted any notice as in this section prescribed shall be deemed prima facie evidence of a violation of this section and of section two of this act.

In addition to any other penalty provided, every person, firm, association, or corporation who shall fail to pay the wages of all its employees, as in section two of this act provided, shall forfeit to the people of the State the sum of ten dollars for each such failure to pay each employee, to be recovered by the commissioner of the bureau of labor statistics in a civil action. Such action shall be brought in the name of the said commissioner and all money recovered therein shall be forwarded by him to the State treasurer to become a part of the general fund of the State. When action to recover such penalties is brought, no court costs of any nature shall be payable by the said commissioner in connection with same and any sheriff or constable requested by the said commissioner to serve the summons in the said action upon any defendant within his jurisdiction, shall do so without cost to the said commissioner: *Provided, however*, That he must specify, when he returns the summons, what costs he would ordinarily have been entitled to for such service, and such costs and the other regular court cost that would have accrued were the said action not an official action shall be made a part of any judgment recovered by the said commissioner and shall be paid by him out of the first money recovered on said judgment, before any money collected is sent to the State treasurer.

Sec. 5. *Wages accrue, when.*—In the event that an employer shall willfully fail to pay, without abatement or reduction, any wages or compensation of any employee who is discharged or who resigns or quits, as in section one of this act provided, then as a penalty for such nonpayment the wages or compensation of such employees shall continue from the due date thereof at the same rate until paid or until an action therefor shall be commenced: *Provided*, That in no case shall such wages continue for more than thirty days: *And provided further*, That no such employee who secretes or absents himself to avoid payment to him or who refuses to receive the payment when fully tendered to him, including any penalty then accrued under the provisions of this section, shall be entitled to any benefit under this act for such time as he so avoids payment.

Sec. 6. *Violations.*—Any person, firm, association, or corporation, or agent, manager, superintendent, or officer thereof who, having the ability to pay, shall willfully refuse to pay the wages due and payable when demanded, as herein provided, or falsely deny the amount or validity thereof, or that the same is due, with intent to secure for himself, his employer, or other person any discount upon such indebtedness, or with intent to annoy, harass, or oppress, or hinder, or delay, or defraud the person to whom such indebtedness is

due, shall, in addition to any other penalty imposed upon him by this act, be guilty of a misdemeanor.

SEC. 7. *Enforcement.*—It shall be the duty of the commissioner of the bureau of labor statistics to inquire diligently for any violations of this act and to institute actions for penalties herein provided and to enforce generally the provisions of this act.

SEC. 8. *Prosecutions.*—Nothing herein contained shall be construed to limit the authority of the district attorney of any county, or city and county, to prosecute actions, both civil and criminal, for such violations of this act as may come to his knowledge, or to enforce the provisions hereof independently and without specific direction of the commissioner of the bureau of labor statistics.

SEC. 10. *Public employees.*—Nothing in this act shall apply to the payment of wages or compensation of employees directly employed by any county, city and county, incorporated city or town, or other municipal corporation. Nor shall anything herein apply to employees directly employed by the State, any department, bureau, office, board, commission, or institution thereof. All other employments shall for the purposes of this act be deemed private employments and subject to the provisions hereof.

ACTS OF 1921

CHAPTER 245.—*Collection of wages—Public defender*

SECTION 1. *Office created.*—[The board of supervisors approving, a public defender may be elected in any county, who must have at least one year's experience in all the courts of the State.]

SEC. 5. *Duties.*— * * * He shall also, upon request, prosecute actions for the collection of wages and of other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed \$100, and in which, in the judgment of the public defender, the claims urged are valid and enforceable in the courts.

COLORADO

COMPILED LAWS OF 1921

Payment of wages—Modes and times

SECTION 4226. *Semimonthly pay days.*—All private and quasi-public corporations doing business within this State shall pay to their employees the wages earned each and every fifteen (15) days in lawful money of the United States, or checks on banks, convertible into cash, on demand at full face value thereof.

SEC. 4227. *Failure to pay.*—Whenever any private or quasi-public corporation shall fail to pay any of its employees as provided in section 6981 [4226], then a penalty shall be attached to such corporation and become due to such employees as follows: A sum equivalent to a penalty of five per cent (5) of the wages due and not paid as herein provided as liquidated damages, and such penalty shall attach and suit may be brought in a court of competent jurisdiction to recover same and the wages due.

SEC. 4228. *Payment on discharge.*—Whenever any such employee is discharged from the employ of any such corporation then all the unpaid wages of such employee shall immediately become due and payable, and if any private or quasi-public corporation shall within three (3) days fail to pay any such discharged employee all the wages due and payable to such discharged employee, then the same penalty of five per cent (5) shall attach to said corporation and become due to such employee as provided in section 6982 [4227]: *Provided, however,* Nothing in this section shall apply to any employee of any such corporation who quits of his own accord.

SEC. 4229. *Employee may recover penalty.*—Any employee or any assignee of any such employee may recover all such penalties that may, by violation of section 2 [4227] of this act, have accrued to him, at any time within six months succeeding such default, or delay, in the payment of such wages.

SEC. 4230. *What contracts void.*—Any contract or agreement made between any corporation and any private or quasi-public parties in its employ, the provisions of which shall be in violation, evasion or circumvention of this

act (semimonthly pay day act) shall be unlawful and void, but such employee may sue to recover his wages earned together with such five per cent (5%) penalty, or separately, to recover the penalty if the wages have been paid.

SEC. 4231. *Contractor*.—Whenever any private or quasi-public corporation shall contract any or all of its work to any contractor then it shall become the duty of any such corporation to provide that the employees of any such corporation or contractor shall be paid according to the provisions of this act, and such corporation shall become responsible and liable to the employees of such contractor in the same manner as if said employees were employed by such corporation.

SEC. 4232. *Attorney's fee*.—Whenever it shall become necessary for the employees to enter or maintain a suit at law for the recovery or collection of wages due as provided by this act, then such judgment shall include a reasonable attorney fee, in favor of the successful party, to be taxed as part of the costs in the case.

SEC. 4233. *Scope of act*.—It is herein provided that all private or quasi-public corporations heretofore or hereafter organized for pecuniary profit shall be subject to the provisions of this act.

SEC. 4234. *Truck system forbidden*.—It shall be unlawful for any person, company or corporation, or the agent or the business manager of any such person, company or corporation, doing business in this State, to use or employ, as a system, directly or indirectly, the "truck system" in the payment, in whole or in part of the wages of any employee or employees of any such person, company or corporation.

SEC. 4235. *Definition*.—The words "truck system" as used in the preceding section are defined to be:

First—Any agreement, method, means or understanding used or employed by an employer, directly or indirectly, to require his employee to waive the payment of his wages in lawful money of the United States, and to take the same, or any part thereof, in goods, wares or merchandise, belonging to the employer or any other person or corporation.

Second—Any condition in the contract of employment between employer and employee, direct or indirect or any understanding whatsoever, express or implied, that the wages of the employee, or any part thereof, shall be spent in any particular place or in any particular manner.

Third—Any requirement or understanding whatsoever by the employer with the employee that does not permit the employee to purchase the necessities of life where and of whom he likes, without interference, coercion, let or hindrance.

Fourth—To charge the employee interest, discount or other thing whatsoever for money advanced on his wages, earned or to be earned, where the pay days of the employer are at unreasonable intervals of time.

Fifth—Any and all arrangements, means or methods, by which any person, company or corporation, shall issue any truck order, scrip, or other writing whatsoever, by means whereof the maker thereof may charge the amount thereof to the employer of laboring men so receiving such truck order, scrip or other writing, with the understanding that such employer shall charge the same to his employee and deduct the same from his wages.

SEC. 4236. *Truck orders, etc., void*.—Any truck order, scrip, or other writing whatsoever, made, issued, or used in aid of or in furtherance of, or as a part of the "truck system" as defined in this act, evidencing any debt or obligation from any person, company, or corporation for wages due or to become due to any employee or employees of any person, company, or corporation, issued under a system whereby it is the intent and purpose to settle such wage debt or debts by any means or device other than in lawful money, shall be utterly void in the hands of any person, company, or corporation, with knowledge that the same had been issued in pursuance of such system, and it shall be unlawful to have, hold, or circulate the same with such knowledge.

SEC. 4237. *Violations*.—[Violations are punishable by a fine of not less than \$100 nor more than \$500, or by imprisonment for not less than 30 days nor more than 6 months.]

SEC. 4238. *Corporations forfeit charter*.—The violation of the provisions of any section of this act by any corporation organized and existing under the laws of this State shall be deemed sufficient cause for the forfeiture of the charter of any such corporation, and the attorney general of the State shall immediately commence proceedings in the proper court in the name of the people

of the State of Colorado, against any such corporation for the forfeiture of its charter.

SEC. 4239. *Foreign corporations.*—Any foreign corporation doing business in this State that shall violate the provisions of any section of this act shall forfeit its right to do business in this State, and the attorney general of the State shall, upon such violation coming to his knowledge, by information or otherwise, institute proceedings in the proper court for the forfeiture of the right of any such corporation to do business in this State.

SEC. 4240. *When attorney general fails to prosecute.*—If the attorney general of the State should fail, neglect, or refuse to commence such actions as are provided for in sections 5 [4230] and 6 [4231] of this act, after demand being made upon the attorney general to institute such proceedings by any responsible person, then any citizen of this State shall have the right to institute and maintain such proceedings, upon giving bond for costs of suit.

SEC. 4241. *District attorney.*—The district attorney of any county shall prosecute for any violation of this act in the same manner as he may be required by law to prosecute for the violation of other criminal acts, except as provided in sections 5 [4230] and 6 [4231] of this act.

SEC. 4242. *Act construed as to ditch companies, etc.*—The provisions of this act shall not be construed to prevent ditch, canal, and reservoir companies from contracting or issuing orders or warrants payable at future dates in lawful money of the United States, for labor performed or services rendered for it or to contract for and pay for the same in the capital stock of such companies, or water rights or privileges for water connected with the same.

Wages as preferred claims—In receiverships

SECTIONS 4243–4245. *Priority.*—[All wages are preferred claims in case of the transfer of the business of an employer to a trustee or receiver, to be paid from funds or from the proceeds of the sale of the property. Employees wishing to enforce this right must file statements of their claims within prescribed periods. If funds are not sufficient to pay claims they shall be prorated, but prior mortgages for debts actually existing are not impaired.]

Exemption of wages from garnishment

SECTION 5917. *Amount.*—[Sixty per cent of a judgment debtor's wages or earnings are exempt from levy under execution, etc., if the debtor is the head of a family or the wife of the head of a family residing in the State, and the earnings are necessary to the support of such family. If the earnings do not exceed \$5 per week, they are entirely exempt.]

Wages as preferred claims—In assignments

SECTION 6270. *Amount.*—[Wages of servants, laborers, and employees of an assignor, earned within the six months next preceding the date of the assignment, not exceeding \$50 in amount, and taxes due the State or the United States, are preferred to other debts.]

CONNECTICUT

GENERAL STATUTES—1918

Payment of wages due deceased employees

SECTION 4002 (as amended 1923, ch. 44). *Payments to widows, etc.*—[When a workmen dies leaving unpaid wages not in excess of \$300, and no will is probated or letters of administration granted within 30 days, the debtor may in its or his discretion, on application of the surviving husband or wife, if any, or if none, of the next of kin, pay the wages due; or on application with affidavit, the same may be paid to the undertaker or the physician attending in the last illness. Proof may be required, and a bond of indemnity and proper receipt.]

Assignments of wages

SECTION 4752. *Future earnings.*—No assignment of future earnings made as security for a loan or other indebtedness shall be valid unless the amount

of such indebtedness shall be stated therein, together with the rate of interest to be charged thereon, nor unless the term for which such earnings are assigned shall be definitely limited in the assignment nor unless such assignment shall bear a dated certificate of acknowledgment of the assignor made before a proper authority. No such assignment shall be valid against an attaching creditor of the assignor unless such assignment shall also be recorded before such attachment in the town clerk's office in the town where the assignor resides, or, if he resides without the State, in the town where the employer resides, and a copy thereof left with the employer from whom the wages are to become due. All certificates of acknowledgment required herein shall bear date of the day such acknowledgment is made, and any person who shall intentionally date such a certificate of acknowledgment as of a date other than the actual date such acknowledgment is made shall be fined not more than twenty-five dollars, or imprisoned for not more than thirty days, or both.

Wages as preferred claims—In insolvency, etc.

SECTION 4920. *Insolvency.*—[Wages of a laborer or mechanic not to exceed \$100, earned within the three months preceding, are preferred above other debts in cases of insolvency.]

SEC. 5007. *Administration.*—[Debts owing laborers or mechanics for labor performed within three months before the death of the employer rank next after funeral expenses, expenses of last sickness, and taxes and debts due the State and the United States.]

Payment of wages—Company stores

SECTION 5312. *Withholding wages.*—Any person or corporation that shall withhold any part of the wages of any person, because of any agreement expressed or implied requiring notice before leaving the employment shall forfeit fifty dollars, half to him who shall sue therefor, and half to the State.

SEC. 5318. *Company stores.*—Every agent of a corporation, or other person employing laborers, who shall charge or exact for articles or merchandise sold to such laborers a greater sum than is a reasonable price therefor in the town or city where such sales are made shall be fined not more than twenty-five dollars for such sale of each separate article.

SEC. 5319. *Discounts for prepayments.*—No employer of labor, or any person acting for him, shall make a discount or deduction from the wages of any person employed by him, when the wages of the employee or any part thereof are paid at an earlier time than that at which such wages would regularly have been paid. Every person violating this section shall be fined not more than one hundred dollars.

Attachment of wages—Costs

SECTION 5806. *No costs without prior demand for debt.*—In any action in which wages only are attached no costs shall be taxed in favor of the plaintiff, unless it shall appear to the court or justice of the peace before which or whom such action is brought, that demand was made upon the defendant for the payment of the claim sued for, not more than thirty days nor less than three days prior to the bringing of such action.

SEC. 5809. *Limit of costs.*—In any action in which, upon the service of process, moneys due to the defendant by reason of personal services are attached, the plaintiff shall not recover of the defendant, as costs, a sum exceeding one-half of the amount of damages recovered in the action.

Exemption of wages from execution

SECTION 5945. *Amount exempt.*—[Personal earnings to the amount of \$15 and the personal earnings of a minor child are exempt from attachment or execution; but personal earnings of the defendant are not exempt where the claim is for his board or for house rent not exceeding \$25 per month.]

Wages as preferred claims—In receiverships

SECTION 6088. *Amount.*—[Wages in the amount of \$100, earned within the three months preceding are preferred to the general liabilities of corporation or partnership for which a receiver has been appointed.]

ACTS OF 1919

CHAPTER 216.—*Payment of wages—Weekly pay day*

SECTION 1. *Scope of law.*—Every person, firm, or corporation engaged in operating a factory, workshop, manufacturing, mechanical, or mercantile establishment, mine, quarry, railroad, or street railway, or a telephone, telegraph, express, or water company, or in the erection, alteration, repair, or removal of any building or structure, or the construction or repair of any railroad, street railway, road bridge, sewer, gas, water, or electric light works, pipes, or lines, shall pay weekly each employee engaged in his or its business the wages earned by such employee to within eight days of the date of said payment, but an employee leaving such employment shall be paid in full on the following regular pay day; and any employee discharged from such employment shall be paid in full not later than the business day next succeeding the date of such discharge.

SEC. 2. *Violations.*—Any person, firm, or paymaster of any corporation violating any provision of this act shall be fined not more than \$50 for each offense.

DELAWARE

REVISED CODE—1914

Wages as preferred claims—In insolvency

1971. SECTION 57. *Rank; amount.*—[Employees of insolvent corporations have a lien on their assets for two months' wages, to be paid prior to any other debt or debts; officers are not included as employees.]

Wages as preferred claims—In administration

3372. SECTION 39. *Rank.*—[Makes wages of farm and domestic servants or laborers for not more than a year rank next after funeral expenses and expenses of last sickness.]

Payment of wages due deceased employees

3380. SECTION 47. *To whom wages may be paid.*—It shall be lawful for any employer in this State, at any time not less than fifteen days after the death of any person in his or its employ, to pay all wages due to such deceased employee to the wife, children, father, or mother, sister or brother (preference being given in the order named) of the deceased employee, without requiring letters of administration to be issued upon the estate of said deceased employee, where such wages due do not exceed \$75 in amount: *Provided, however,* That if such deceased employee shall not leave a wife, children, father, mother, sister, or brother surviving him, then it shall be lawful for said employer to pay the wages due such deceased employee to the creditors, as follows: Undertaker, physician, boarding-house keeper, and nurse, each his or her pro rata share of wages, not exceeding \$75, due the deceased, upon affidavit of fact furnished, without letters of administration being issued.

The payment of such wages shall be a full discharge and release to the employer from the wages so due and paid.

Assignments and garnishment of wages

3562. SECTION 127. *Who may accept.*—[Makes it unlawful for any person or corporation not having a known place of business within the State to accept wage assignments as security for money loaned.]

4129. SEC. 12. *Payments on usurious debts.*—It shall be unlawful for any employer in this State to knowingly pay any warrant or order, issued by any employee against his or her salary and intended to be in payment or part payment of any indebtedness due any person, firm, or corporation for borrowed money, in cases where a greater rate of interest than 6 per cent per annum has been received or charged for such borrowed money.

[If an employer is summoned as garnishee and the employee claims that interest charges exceed 6 per cent, if this is proved, the garnishee is to be discharged. Employers violating the act are guilty of a misdemeanor.]

DISTRICT OF COLUMBIA

CODE OF 1924

Exemption from execution

SECTION 1107. *Earnings.*—The earnings, not to exceed \$100 each month, of all actual residents of the District of Columbia who provide for the support of a family in said District, for two months next preceding the issuing of any writ or process from any court or officer of and in said District, against them, shall be exempt from attachment, levy, seizure, or sale upon such process; and the same shall not be seized, levied on, taken, reached, or sold by attachment, execution, or any other process or proceedings of any court, judge, or other officer of and in said District.

FLORIDA

REVISED GENERAL STATUTES—1920

Payment of wages in scrip

SECTION 2522. *Checks, etc., to be redeemable.*—Any person, firm, or corporation issuing checks, coupons, punch outs, tickets, tokens, or other device in payment for labor, redeemable either wholly or partially in goods or merchandise, at their or any other place of business, shall, on demand of any legal holder thereof, on or after the ninetieth day succeeding the day of issuance, be liable for the full face value thereof in current money of the United States.

SEC. 2523. *Payable to bearer.*—Any such checks, punch outs, coupons, tickets, tokens, or other device, issued by any person, firm or corporation in payment for labor, shall be considered and treated as payable to bearer in current money of the United States, notwithstanding any contrary stipulation or provision which may be therein contained.

SEC. 2524. *Failure to redeem.*—In case of failure of any person, firm, or corporation to pay any legal holder of any such check, punch out, ticket, coupon, token, or other device issued by them in payment for labor, the full face value thereof in current money of the United States, on or after the ninetieth day succeeding the day of issuance, when so demanded, such holder may immediately bring suit thereon in any court of competent jurisdiction, and, in addition to recovering the full face value thereof, with legal interest from demand, may recover 10 per cent of said amount as attorney's fees in the same suit.

Wages as preferred claims—In administration

SECTION 3738. *Rank.*—[Liens of laborers, etc., rank after the expenses of the funeral, last sickness, judgments, and taxes.]

Exemption of wages from garnishment

SECTION 3885. *Personal earnings.*—[No process shall issue to delay the payment of the earnings by personal labor or services of the head of a family residing in the State.]

Hours of labor—Overtime pay

SECTION 4016. *Ten hours a day's work.*—Ten hours of labor shall be a legal day's work, and whenever any person employed to perform manual labor of any kind by the day, week, month, or year renders so many hours of labor, he shall be considered as having performed a legal day's work, unless a written contract has been signed by the person so employed and the employer, requiring a less or greater number of hours of labor to be performed daily.

SEC. 4017. *Extra pay.*—Unless such written contract has been made, the person employed shall be entitled to extra pay for all work performed by the requirement of his employer in excess of ten hours' labor daily.

Employment of labor

SECTION 4979. *Wages due deceased employees.*—It shall be lawful for any employer, in case of death of an employee, to pay to the wife or husband, and in case there is no wife or husband, then to the child or children, provided the child or children be over the age of 18 years, and in case there is no child or children, then to the father or mother, any wages that may be due said employee at the time of his death.

SEC. 4980. *Status.*—Any wages so paid under the authority of this chapter shall not be considered as assets of the estate and subject to administration.

SEC. 5066. *Protection as traders.*—Any person or persons, firm, joint stock company, association, or corporation organized, chartered, or incorporated by and under the laws of this State, either as owner or lessee, having persons in their service as employees, who shall discharge any employee or employees or threaten to discharge any employee or employees in their service for trading or dealing, or for not trading or dealing as a customer or patron with any particular merchant or other person or class of persons in any business calling, or shall notify any employee or employees either by general or special notice, directly or indirectly, secretly or openly given, not to trade or deal as a customer or patron with any particular merchant or person or class of persons in any business or calling, under penalty of being discharged from the service of such person, firm, joint stock company, corporation or association shall be punished by fine not exceeding \$1,000 or imprisoned not exceeding one year.

GEORGIA

CODE OF 1910

CIVIL CODE

Payment of wages in scrip

SECTION 2235. *Checks, etc., to be redeemed in cash.*—Any corporation or person doing business of any kind in this State, who shall issue checks or written evidences of indebtedness for the wages of laborers shall redeem at full value in cash such written evidences of indebtedness on demand and presentation to the proper person on the regular monthly pay day, and if there be no regular monthly pay day, then upon demand and presentation on any regular business day after 30 days from the issuance thereof; and for every failure to redeem such evidences of indebtedness, said corporation or person shall be liable to the owner thereof in the sum of \$10, to be recovered by suit, unless said corporation or person shall, upon trial, prove insolvency or actual inability to redeem at the time of demand and presentation.

Wages as preferred claims—Railroad employees

SECTION 2793. *Enforcement of mortgages.*—[Wages of railroad employees are a first lien on the property of the company, superior to mortgages or other contract liens, in an amount not exceeding \$500 for each employee.]

SEC. 2794. *Receiverships.*—[Wage debts as above must be first paid out of any funds available or becoming available in the hands of the court or trustee in cases of receivership.]

SEC. 2797. *Current wages.*—[The receiver operating a railroad under an order or decree of any court must apply the income to necessary expenses of carrying on the business, which shall include the wages of employees.]

Payment of wages due deceased employees

SECTION 3134 (as amended 1915, p. 21). *What sum may be paid widow, etc.*—It shall be lawful upon the death of any person employed by any railroad company or other corporation doing business in this State, who may have wages due him by said railroad company or other corporation, and who shall leave surviving him a widow or minor child or children, to pay all of said wages, when they do not exceed \$300, and in case such wages exceed \$300, to pay the sum of \$300 thereof to the surviving widow of such employee, and in case he has no surviving widow, but leaves surviving a minor child or

children, then said sum shall be paid to said minor child or children without any administration upon the estate of said employee; and said fund to the amount of \$300, after the death of said employee, is hereby exempt from any and all process of garnishment.

SEC. 3135. *Payment required.*—It shall be the duty of such railroad company, or other corporation, to pay over said fund on the demand of the widow, and in case there be no surviving widow, then on the demand of the minor child or children, or the guardian thereof.

SEC. 3136. *Payment is release.*—The paying over of the fund under the preceding sections shall operate as a release from all claims against said fund or railroad company or corporation by the estate of said employee or creditors thereof, or the claims of the widow or minor child or children, or the guardian thereof.

Assignments of wages

SECTION 3465. *Contracts void.*—Any contract * * * for the assignment of pledge of any unearned wages or salary, for the purpose of securing a loan of money shall be void.

Employment of labor

SECTION 3588. *Wrongful discharge.*—When the contract is for a year, and the employer wrongfully discharges the agent before the end of the year, the agent may either sue immediately for any special injury from the breach of the contract, or, treating the contract as rescinded, may sue for the value of the services rendered, or he may wait till the expiration of the year and sue for and recover his entire wages.

SEC. 3589. *Computing damages.*—When an agent has been improperly dismissed before the expiration of his time, earnings which were realized or might have been realized by him up to the end of the term should go in mitigation of damages.

Suits for wages—Exemptions—Assignments

SECTION 5095. *Suits to be brought within State.*—When suit is brought by attachment in this State against a nonresident of the State and the attachment is levied by service of summons of garnishment, the situs of any debt due by the garnishee to the defendant shall be at the residence of the garnishee in this State, and any sum due to the defendant in attachment shall be subject to said attachment: *Provided*, That the writ of attachment shall not be used to subject in this State wages of persons who reside out of the State, and which have been earned wholly without the State of Georgia.

SEC. 5298 (as amended 1914, p. 62). *What wages exempt.*—All persons shall be exempt from the process and liabilities of garnishment on \$1.25 per day of their daily, weekly, or monthly wages and on 50 per cent of the excess thereof, whether in the hands of their employers or others. All wages above the exemption herein provided for shall be subject to garnishment, and garnishee in making answer shall state specifically when the wages therein referred to were earned by defendant and whether the same were earned as daily, weekly, or monthly wages.

SECS. 5299–5301. *Sending wage claims outside State.*—[Sending claims outside the State for collection with intent to deprive the debtor of his right to have his wages exempt under the laws of the State, if the parties are subject to process within the State, is a misdemeanor; and the debtor may recover any amount attached in such proceedings, together with damages. Assigning or sending such a claim outside the State and the commencement of proceedings is prima facie evidence of violation.]

PENAL CODE

Exemption of wages—Unlawful assignment of claims

SECTION 131. *Penalty.*—Whoever shall violate section 5299 of the Civil Code, relative to transferring claims to parties without the State, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than \$10 and not exceeding \$50 for each account or claim so unlawfully transferred, or assigned, or sent out of this State as aforesaid.

ACTS OF 1919

Act No. 43.—*Payment of wages—Semimonthly pay day*

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SECTION 1. *Scope of law.*—Every person, firm, or corporation, including steam and electric railroads, but not including farming, sawmill, and turpentine industries, employing wage-workers, skilled or unskilled, engaged in manual, mechanical, or clerical labor including all employees, except officials, superintendents, or other heads or subheads of departments, who may be employed by the month or year at stipulated salaries, shall make payments in lawful money, or checks, of the United States to said employees, laborers, and workers or to their authorized representatives; such payments to be made on such dates during the month as may be decided upon by such person, firm, or corporation: *Provided, however,* That such dates as may be selected shall amount to an equal division of the month in respect to the time of payments, the full net amount of wages or earnings due said employees, laborers, and wage-workers, and in case any such employer shall refuse or willfully fail to make payments when demanded, upon the regular days of payment, to such wage-earner, said employer, the members of the firm, the directors, officers, and superintendents or managers of corporations and associations shall, upon conviction, be sentenced to pay a fine not exceeding \$200: *Provided,* No person, firm, or corporation is not in a financial condition to pay said wages, [sic] or salary, but insolvency shall be the only defense to an indictment for such an offense, and an extension of time within which to pay said wages or salary shall operate to make the offense under this act to be committed on date last agreed upon for payment of same.

HAWAII

REVISED LAWS—1915

SECTION 159. *Semimonthly pay days.*—The fifteenth and last days in each month shall be the pay days of all employees engaged in constructing or repairing roads, bridges, or streets for the Territory of Hawaii.

Wages—Suits—Exemptions

SECTION 2469. *Exemptions.*—[Homestead exemption does not apply where wages of mechanics are involved.]

SEC. 2470. *Amount exempt.*—[Exempts from attachment or execution one-half the wages due every laborer or person working for wages.]

Garnishment of wages

SECTION 2803 (as amended 1925, No. 262). *Exemption.*—[Court may on hearing direct wage debtor not to pay defendant employee more than 75 per cent of wages, balance to be withheld on service made, whether before or after judgment.]

SEC. 2804. *Duty of employer.*—[If judgment is certified to employer, he shall continue to pay plaintiff 25 per cent of defendant's wages until judgment is extinguished or defendant leaves employment.]

SECS. 2818, 2819. *Public employment.*—[Provisions as to garnishment of salary or wages apply to officers and employees in the service of the government of Hawaii or of its municipalities.]

Payment of wages—Deductions, offsets, etc.

SECTION 3446 (as amended 1921, No. 133). *Deductions.*—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 [of] such laborer or employee or by action at court as provided by law.

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SEC. 3447. *Fines, offsets, etc.*—No fines, offsets, or counterclaims shall be collected, deducted, or retained out of any wages due and payable to any laborer or employee by any person, firm, partnership, or corporation in this Territory, unless by action in court and judgment therefor first obtained as provided by law.

SEC. 3448. *Penalty.*—Any person, partnership, firm, or corporation who shall violate any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50 and not more than \$100.

ACTS OF 1915

No. 64.—*Garnishment of wages*

SECTION 1 (as amended 1921, No. 202). *Subsequent employers.*—[When a wage earner is subject to a judgment of garnishment and leaves the service of the garnished employer, any subsequent employer may be furnished a copy of the judgment, and is thereby charged with the payment of the judgment.]

IDAHO

COMPILED STATUTES—1919

Protection of employees in choice of boarding houses, etc.

SECTION 2322. *Restrictions forbidden.*—It shall be unlawful for any employer, by himself or by his agent, or for any agent of any employer, or for any other person, directly or indirectly, to impose as a condition, express or implied, in or for the employment of any workman or employee, any terms as to the place at which, or the person with whom any workman or employee is to board, lodge, subsist, or reside; or as to the place or store at which he shall purchase his goods, wares, or merchandise; or as to the place at which, or the manner in which, or the person with whom any wages or portion of wages paid to the workman or employee are or is to be expended; and no employer shall, by himself or his agent, nor shall any agent of any employer dismiss any workman or employee from his employment for or on account of the place at which, or the person with whom such workman or employee may board, lodge, subsist, or reside, or as to the place or store at which he shall purchase his goods, wares, and merchandise; or for or on account of the place at which, or the person with whom, any wages or portion of wages paid by the employer to such workman or employee are or is expended, or fail to be expended: *Provided*, That it shall not apply to the collection of hospital fees or dues.

Any employer, who by himself or his agent, or any agent of any employer, or any other person, who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$100 nor to exceed \$300, or be imprisoned in the county jail for not less than 30 days nor to exceed 90 days, or shall suffer both such fine and imprisonment.

Railroads, etc.—Employees' bonds—Deduction of wages

SECTION 5118. *Payment of bonds furnished corporations.*—It shall be unlawful for any firm or individual railroad or other corporation doing business within this State to collect or retain from the wages of the persons in their employ the cost of any guaranty or security furnished the said firm, individual, or railroad or other corporation covering the said employees, unless such employees shall have agreed to pay the premium on such guaranty or security.

Wages—Suits—Exemptions

SECTION 5441 (as amended 1923, ch. 20), *Exception.*—[Homesteads shall not be exempt where judgment is on a debt secured by mechanics', etc., liens.]

Exemption of wages from execution

SECTION 6920. *Amount.*—[Exempts 75 per cent of the wages earned by a judgment debtor within 30 days next preceding the levy of execution on affidavit that such earnings are necessary for the support of a dependent family

resident within the State; or 50 per cent if the indebtedness is for actual necessities. The exemption may not exceed \$100 at any one time.]

Wages—Preference—Attorney's fees—Payment on discharge

SECTION 7376. *Assignments.*—[Wages of miners, mechanics, salesmen, servants, clerks, or laborers for services rendered within 60 days preceding an assignment are preferred in an amount not exceeding \$150.]

SEC. 7377. *Administration.*—[Same in case of death, except that expenses of funeral, of last sickness, charges of administration, and allowances to widow and infant children take precedence.]

SEC. 7378. *Executions, etc.*—[In cases of executions, attachments, etc., claims for wages may be submitted, under oath, and if not disputed, are to be paid first out of the proceeds of the sale of the property worked upon for 60 days preceding the levy of the writ. Contests must be prosecuted within 10 days or be forever barred, and sufficient funds must be withheld to meet such claims.]

SEC. 7380. *Attorneys' fees.*—[Attorneys' fees are allowed in successful wage suits if demand in writing for an amount not exceeding the amount found due was made at least 5 days before suit was brought.]

Payment of wages due discharged employees

SECTION 7381. *Wages to be paid on discharge.*—Whenever any employer of labor shall hereafter discharge or lay off his or its employees without first paying them the amount of any wages or salary then due them, in cash, lawful money of the United States, or its equivalent, or shall fail or refuse on demand to pay them in like money, or its equivalent, the amount of any wages or salary at the time the same becomes due and owing to them under their contract of employment, whether employed by the hour, day, week, or month, each of his or its employees may charge and collect wages in the sum agreed upon in the contract of employment for each day his employer is in default until he is paid in full, without rendering any service therefor: *Provided, however,* He shall cease to draw such wages or salary 30 days after such default.

SEC. 7382. *Claim a lien.*—Every employee shall have such lien and all other rights and remedies for the protection and enforcement of such salary or wages as he would have been entitled to had he rendered services therefor in manner as last employed.

ILLINOIS

REVISED STATUTES—1917

CHAPTER 3.—*Wages as preferred claims—In administration*

SECTION 70 (as amended 1921, p. 1). *Rank.*—[Wages of common laborers and household servants rank with expenses of last illness (including doctor's bill) next after funeral expenses and cost of administration and widow's or children's award.]

CHAPTER 10b.—*Wages as preferred claims—In assignments*

SECTION 6. *Amount.*—[Wages earned within 3 months prior to any assignment are to be paid after the costs, commissions, and expenses of assignment.]

CHAPTER 13.—*Suits for wages—Attorney's fees*

SECTION 13. *Fee allowed, when.*—Whenever a mechanic, artisan, miner, laborer, or servant, or employee, shall have cause to bring suit for his or her wages earned and due, and owing according to the terms of the employment, and he or she shall establish by the decision of the court or jury that the amount for which he or she has brought suit is justly due and owing, and that a demand has been made in writing at least three days before suit is brought, for a sum not exceeding the amount so found due and owing, then it shall be the duty of the court before which the case shall be tried to allow to the plaintiff, when the foregoing facts appear, a reasonable attorney fee, in addition

to the amount found due and owing for wages, and in justice court such attorney's fee shall not be less than \$5, and in the county or circuit court, not less than \$10, to be taxed as costs of suit.

CHAPTER 38a.—*Wages as preferred claims—In receiverships*

SECTIONS 1-3. *Prior right.*—[Debts owing laborers or servants as wages are to be paid by a receiver or trustee, in full if assets permit; if not, pro rata.]

CHAPTER 48.—*Payment of wages—Modes and times*

SECTION 15a. *Corporations to pay wages semimonthly.*—Every corporation for pecuniary profit engaged in any enterprise or business within the State of Illinois shall as often as semimonthly pay to every employee engaged in its business all wages or salaries earned by such employee to a day not more than eighteen (18) days prior to the date of such payment. Any employee who is absent at the time fixed for payment, or who for any other reason is not paid at that time, shall be paid thereafter at any time upon six days' demand, and any employee leaving his or her employment or discharged therefrom, shall be paid in full following his or her dismissal or voluntary leaving his or her employment, at any time upon three days' demand. No corporation coming within the meaning of this act shall by special contract with employees or by any other means secure exemption from the provisions of this act. And each and every employee of any corporation coming within the meaning of this act shall have his or her right of action against any such corporation for the full amount of his or her wages due on each regular pay day as herein provided in any court of competent jurisdiction of this State.

Sec. 15b. *Violations.*—[Penalties are fines, not less than \$25 nor more than \$100 for each offense. Failure to pay each employee is a separate offense.]

Sec. 16. *Wages to be paid in full.*—It shall be unlawful for any corporation doing business within this State to withhold from any of its laborers, servants, or employees any part or per cent of the wages earned by such laborer, servant, or employee, beyond the date of the regular pay day of said corporation, under the guise or pretext that the amount of wages so withheld is to be given or presented to such laborer, servant, or employee as a present or gratuity from said corporation at the expiration of any future date, on condition that the services of such laborer, servant, or employee have been performed to the entire satisfaction of said corporation, or upon condition that such laborer, servant, or employee shall, unless sooner discharged by said corporation, remain in its employ until the expiration of some future date designated by said corporation, or under any other similar pretext or condition, but all such wages shall be paid in full by said corporation on its regular pay day: *Provided*, That nothing in this act contained shall be held to abridge the right of any corporation not making or requiring contracts of the class specified above to make such contract or arrangement as may be legal concerning the payment of wages to employees: *And provided further*, Nothing herein contained shall be construed to affect the right of any corporation to contract for the retention of a part of the wages of said laborers, servants, and employees for the purpose of giving to said servants, laborers, and employees insurance, hospital, sick or other similar relief.

Sec. 17. *Void contracts.*—All contracts or agreements of the kind and character referred to and described in section 1 [16] of this act, hereafter made by any corporation doing business in this State are hereby declared to be illegal, against public policy, and null and void, and no such agreement or contract shall constitute a defense upon the part of any such corporation, to any action brought by any such laborer, servant, or employee for the recovery of any wages due him and withheld from him by any such corporation, contrary to the provisions of this act.

Sec. 18. *Penalty.*—Any such corporation doing business in this State who shall violate the provisions of this act shall for each offense forfeit the sum of two hundred dollars, to be recovered from it in any [an] action of debt in the name of the people of the State of Illinois or by any person who may sue for the same.

Sec. 19. *Enforcement.*—It is hereby made the duty of the several State's attorneys of this State in their respective counties, to prosecute all actions commenced in the name of the people of the State of Illinois under the provisions of this act.

SEC. 19a. *Orders, etc., to be redeemable.*—No person, firm, or corporation engaged in any business or enterprise within this State shall issue, in payment of or as evidence of indebtedness, for wages due an employee for labor, any time check, store orders, scrip, or other acknowledgment of indebtedness, unless the same is payable or redeemable upon demand, without discount and for face value, in lawful money of the United States at the office or place of business of such person, firm, or corporation.

SEC. 19b. *Violation.*—[Violation of the foregoing section is punishable by a fine not exceeding \$100, or imprisonment not exceeding 30 days, or both.]

CHAPTER 52.—*Suits for wages—No property exempt*

SECTION 16. *Wage debts.*—[No personal property is exempt from attachment, etc., when the debt is for wages.]

SEC. 19. *Team.*—[If the use of his horse or team is necessary to the performance of labor, the value of same shall be included in the laborer's wages.]

CHAPTER 62.—*Exemption of wages from garnishment—Assignment of claims*

SECTION 14 (as amended 1925, p. 427). *Amount.*—[\$15 of an employee's earnings is exempt from garnishment on a showing that he is the head of a family with which he resides.]

SEC. 32. *Sending claim out of State.*—[Sending claim out of State for collection by proceedings in attachment, etc., with the intent to deprive resident debtors of their exemption rights under the laws of Illinois is forbidden.]

SEC. 34. *Nonresidents.*—[Nonresidents sued in the State in garnishment proceedings affecting wages earned outside the State shall have the rights secured to them by the laws of the State of their residence.]

SEC. 34a. *Outside earnings.*—[Wages earned and payable outside of the State are exempt from attachment in causes of action arising outside the State unless the defendant in the suit is personally served with process.]

INDIANA

CONSTITUTION

ARTICLE I. *Compensation for services*

SECTION 66. *Compensation.*—No man's particular services shall be demanded without just compensation. * * *

BURNS'S ANNOTATED STATUTES—1914

Exemption of wages from garnishment

SECTION 993. *Suits of nonresidents for wages.*—Hereafter no court in this State shall have or entertain jurisdiction in any action of attachment, garnishment, or supplementary proceeding when the plaintiff and principal defendant are both nonresidents of this State, and the money sought to be reached by such attachment, garnishment, or supplementary proceedings is the personal earnings or wages due or owing to the principal defendant from any person or corporation doing business in this State.

SEC. 994. *Wages exempt, when.*—The wages of all householders in the employ of any person or corporation shall be exempt from garnishment and proceedings supplemental to execution in the hands of such person or corporation so long as such employee remains in such employment, not exceeding twenty-five dollars at any one time, and no exemption shall be allowed as against garnishment except as in this section provided.

SEC. 995. *Garnishee may pay exempted wages.*—Any person or corporation in debt for wages, as in the preceding section provided, may, at any time after being served with a garnishee summons, pay to any such employee the amount of wages exempted by the preceding section; and such payment shall discharge such garnishee defendant from liability for the amount so paid, as effectually as if paid before the issuing of such summons.

Exemption of wages—Unlawful assignment of claims

SECTION 2669. *Assignments, transfer, etc.*—[Selling, transferring, purchasing, or accepting any claim for collection by attachment of garnishment out of the wages of the debtor, a citizen of the State, with the intent to deprive a resident of the State of his or her exemption rights under the laws of the State, when the parties are within the jurisdiction of the courts of the State, subjects the offender to a fine, and he is also liable for the full amount of the debt collected, with interest and attorney's fee.]

Forced contributions from employees

SECTION 2681. *Exacting contributions.*—It shall be unlawful for any railroad company or corporation operating railroads in Indiana to exact from its employees, without first obtaining written consent thereto in each and every instance, any portion of their wages for the maintenance of any hospital, reading room, library, gymnasium or restaurant.

SEC. 2682. *Penalty.*—Any paymaster, auditor, or employee of any company so exacting from its employees such sums of money shall, upon conviction thereof in any circuit court having competent jurisdiction, be fined not less than one hundred dollars nor more than five hundred dollars, as the court may decree.

Wages as preferred claims—In administration

SECTION 2901. *Amount.*—[Wages not over \$50, earned within two months prior to the death of the employer, have preference over general debts and legacies.]

Wages as preferred claims—In assignments, executions, etc.

SECTION 7976 (as amended 1917, ch. 109). *Amount.*—[Where the property of an employer is seized on process of court or is assigned, debts of laborers and employees for work or labor during six months preceding, in an amount not exceeding \$50 each, shall be preferred and shall first be paid in full, or pro rata if there be insufficient funds to pay in full after paying costs. The term "employees" includes traveling salesmen, traveling agents and manufacturers' agents.]

Payment of wages—Assignments.

SECTION 7981. *Who to pay weekly.*—Every corporation, association, company, firm or person engaged in this State, in mining coal, ore or other mineral, or quarrying stone or in manufacturing iron, steel, lumber, staves, heading, barrels, brick, tile, machinery, agricultural or mechanical implements, or any article of merchandise, shall pay each employee of such corporation, company, association, firm or person, if demanded, at least once every week, the amount due such employee for labor, and such payments shall be in lawful money of the United States, and any contract to the contrary shall be void.

SEC. 7982. *Checks, etc., to be redeemable.*—Any person, copartnership, corporation or association, or any member, agent or employee thereof, who shall publish, issue or circulate any check, card or other paper, which is not commercial paper payable at a fixed time in any bank in this State, at its full face value, in lawful money of the United States, with eight per cent interest, or by bank check or currency issued by authority of the United States Government, to any employee for such person, copartnership, corporation or association, in payment of any work or labor done by such employee, or in payment for any labor contracted to be done by such employee, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not more than one hundred dollars.

SEC. 7983. *Price of merchandise.*—It shall be unlawful for any corporation, company, association, firm or person described in section one (1) [7981] of this act, or the officers and agents of such, to sell, directly or indirectly, to any employee of such corporation, association, firm or person, any merchandise or supplies at a higher price than such merchandise or supplies are sold by such corporation, company, association, firm or person to others for cash.

SEC. 7983a. *Failure to pay wages.*—Every corporation, company, association, firm or person who shall fail for ten days after demand of payment has been

made to pay employees for their labor, in conformity with the provisions of this act, shall be liable to such employee for the full value of his labor, to which shall be added a penalty of one dollar for each succeeding day, not exceeding double the amount of wages due, and a reasonable attorney's fee, to be recovered in a civil action and collectible without relief.

SEC. 7983b. *Violations.*—[Violation is punishable by fine of not less than \$5 nor more than \$100.]

SEC. 7983c. *Construction of act.*—This act shall not in any way affect the liens of laborers, as now secured to them by the laws of this State.

SEC. 7986. *Fines.*—It shall be unlawful for any employer to assess a fine on any pretext against any employee and retain the same or any part thereof from the wages of said employee at the time of payment fixed in this act, or at any other time, and a change in the current rate of wages paid is prohibited without a written notice given to each employee so affected twenty-four hours before such change shall take place.

SEC. 7987. *Assigning future wages.*—The assignment of future wages, to become due to employees from persons, companies, corporations or associations affected by this act, is hereby prohibited, nor shall any agreement be valid that relieves said persons, companies, corporations or associations from the obligation to pay weekly, the full amount due, or to become due, to any employee in accordance with the provisions of this act: *Provided*, That nothing in this act shall be construed to prevent employers advancing money to their employees.

SEC. 7988. *Violations.*—[Violations of the two preceding sections entail a fine not exceeding \$200.]

SEC. 7989. *Enforcement.*—It is hereby made the duty of the chief inspector and of the department of inspection to enforce the provisions of this act by the processes of the courts, and in the name of the State; and, upon their failure so to do, any citizen of the State is hereby authorized to do the same in the name of the State.

SEC. 7995. *Assignments, scrip.*—[Where wages, earned or unearned, are assigned or transferred and the assignee or transferee gives the employee a check, ticket or token, or an order for goods or other commodity, the same shall be at once due and payable in lawful money to the full amount of the wages assigned; if not paid on demand, collectible by suit, with reasonable attorney's fees.]

SEC. 8002. *Procuring waiver as to payment of wages.*—It shall be unlawful for any owner, corporation, association, company, firm or person engaged in mining coal, ore or other minerals or quarrying stone, or in manufacturing iron, steel, lumber, staves, heading, barrels, brick, tile, machinery, agricultural or mechanical implements or any article of merchandise, to directly or indirectly procure any person or persons to execute a contract or agreement to waive his or their legal right to demand of or receive from such owner, corporation, association, company, firm or person, at least once every two weeks, payment of the amount due such person or persons for labor performed, in lawful money of the United States.

SEC. 8003. *Procuring contracts as to purchase of goods, etc.*—It shall be unlawful for any owner, corporation, association, company, firm, or person engaged in this State in mining coal, ore or other minerals or quarrying stone, or in manufacturing iron, steel, lumber, staves, heading, barrels, brick, tile, machinery, agricultural or mechanical implements, or any article of merchandise to directly or indirectly procure any person or persons to execute any contract or agreement by the terms of which such person or persons agree to purchase any article of merchandise, food, groceries, or supplies of any particular person, corporation, association, firm or company, or any particular place, shop, or store in this State.

SEC. 8004. *Coercion to buy.*—It shall be unlawful for any owner, manager, superintendent, operator, bank boss, agent, or employer employed in any of the occupations described in section 1 of this bill [sec. 8002], to hold out any tokens or inducements, or make any threats or promises of reward, or in any other way by words or acts, to coerce any of their employees to buy any article of merchandise, food, groceries, or supplies of any particular person, corporation, association, firm, or company, or at any particular place, shop, or store in this State.

SEC. 8005. *Attempts to coerce.*—It shall be unlawful for any owner, manager, superintendent, operator, bank boss, agent, or employer to attempt by words

or acts to coerce any of their employees to buy any article of merchandise, food, groceries, or supplies of any particular person, corporation, association, firm, or company, or at any particular place, shop, or store in this State.

SEC. 800G. *Violations*.—[Violation is punishable by fine of not more than \$200.]

ACTS OF 1923

CHAPTER 177.—*Mine regulations—Wages*

SECTION 21. *Assignment of wages*.—(A) Whenever any merchant or dealer in goods or merchandise, or any other person, shall take from any employee or laborer for wages, who labors in or about any mine in this State, an assignment of such employee's wages, earned or unearned, due or to become due, or shall take from such employee or laborer any order on his employer for any such wages, and shall issue or give to any such employee or laborer, in consideration of, or in payment for, any such assignment or transfer or order, any check, other than a check on a solvent bank, or any ticket, token, or device payable or redeemable, or agreed to be payable or redeemable, in goods, wares, or merchandise or anything other than lawful money of the United States, such check, ticket, token, or device shall at once become due and payable in lawful money of the United States, for and to the extent of the full amount of the wages assigned or relinquished for it, and the holder of such checks, ticket, token, or device shall, after demand, have the right to collect the same, with reasonable attorney's fees, by suit in any court of competent jurisdiction.

ACTS OF 1925

CHAPTER 61.—*Garnishment of wages—Exemptions*

[This act provides for the issue of an execution against the earnings, wages, etc., of a wage earner against whom a judgment for debt has been recovered. On service of such execution it becomes a lien and a continuing levy on 10 per cent of the earnings, salary, or wages of such debtor until the execution and costs are fully satisfied, "notwithstanding any exemption law now in force." The party indebted to such judgment debtor must pay over to the officer the amount named at the rate specified, which shall not exceed 10 per cent of the indebtedness as and when it becomes due.

Modifications of executions may be had by either party on a proper showing. An outstanding execution is a defense against the issue of another; and if it appears that another party than the one named in the original affidavit is indebted to the judgment debtor, execution may be had against such party. The act does not apply in cases where the debt has been assigned or transferred by the original holder or owner, nor to contracts of sale unless title passes to the purchaser at the time of sale.]

IOWA

CODE OF 1924

Payment of wages at coal mines

SECTION 1322. *Payment semimonthly*.—All wages shall be paid in money upon demand, semimonthly, by paying the amount earned during the first fifteen days of each month not later than the first Saturday after the twentieth of said month, and for those earned after the fifteenth of each month not later than the first Saturday after the fifth of the succeeding month. A failure or refusal to make payment within five days after demand shall entitle the laborer to recover the amount due him, and one dollar per day additional, not exceeding the amount due, for each day such payment is neglected or refused, and in any action therefor the court shall tax as a part of the costs a reasonable attorney fee to plaintiff's attorney.

SEC. 1323. *Script; company stores*.—The operator shall not sell, give, deliver, or issue, directly or indirectly, to any person employed, in payment for labor due or as advances for labor to be performed, any script [scrip], check, draft, order, or other evidence of indebtedness payable or redeemable otherwise than in money at its face value. He shall not compel or in any manner

endeavor to coerce any employee to purchase goods or supplies from any particular person, firm, company, or corporation, but upon demand all wages shall be paid in money as provided in the preceding section.

Railroads—Payment of wages

SECTION 7990. *Duty of railway companies.*—Every railway corporation operating or doing business in the State of Iowa shall as often as semimonthly pay to every employee engaged in its business all wages or salaries earned by such employee to a day not more than 18 days prior to the date of such payment. Any employee who is absent at the time fixed for payment, or who for any other reason is not paid at that time, shall be paid thereafter at any time upon six days' demand, and any employee leaving his or her employment or discharged therefrom shall be paid in full following his or her dismissal or voluntary leaving his or her employment at any time upon six days' demand. No corporation coming within the meaning of this act shall by special contract with the employees or by any other means secure exemption from the provisions of this act. And each and every employee of any corporation coming within the meaning of this act shall have his or her right of action against any such corporation for the full amount of his or her wages due on each regular pay day as herein provided in any court of competent jurisdiction of this State.

SEC. 7991. *Violations.*—[Violations are punishable by fine, \$25 to \$100. Each day's delay is a separate offense.]

Assignment of wages

SECTION 9454. *Spouses to unite.*—[Assignments of wages by the head of any family must be in writing, the same joint instrument to be signed by both husband and wife.]

SEC. 9455. *Priority.*—Assignments of wages shall have priority and precedence in the order in which notice in writing of such assignments shall be given to the employer, and not otherwise.

Execution on judgments for wages not to be stayed

SECTION 11706. *Exception.*—On all judgments for the recovery of money, except those rendered on any appeal or writ of error, or in favor of a laborer or mechanic for his wages, * * * there may be a stay of execution. * * *

Wages as preferred claims--In receivership, etc.

SECTION 11717. *Amount.*—[When the property of any employer is assigned or seized for debt, debts owing employees for services during the 90 days preceding, not exceeding \$100, shall be preferred to all other debts after the payment of costs.]

SEC. 11721. *Rank.*—[Allowed claims for wages are prior to all claims or liens except prior mechanics' liens for labor in opening or developing coal mines.]

Exemption of wages from execution

SECTION 11763. *Amount exempt.*—[To residents who are heads of families earnings of the 90 days next preceding the levy are exempt from execution, etc.]

SEC. 11769. *Earnings outside State.*—Wages earned outside of this State by a nonresident of this State, and payable outside of this State, shall in all cases where the garnishing creditor is a nonresident of this State, be exempt from attachment or garnishment where the cause of action arises outside of this State; and it shall be the duty of the garnishee in such cases to plead such exemption, unless the defendant shall be personally served with original notice in this State.

SEC. 11770. *Sending claims out of State.*—[Sending a claim against a resident of the State outside the State for collection, or transmitting such claim to a nonresident with the intent of depriving the debtor of his exemption rights under the State law is a misdemeanor.]

Wages as preferred claims

SECTION 11970. *Order of payment.*—Other demands against the estate [than last sickness, funeral, and court allowance to widow and minor children] shall be payable in the following order:

1. Debts entitled to preference under the laws of the United States.
2. Public rates and taxes.
3. Claims filed within six months after the first publication or posting of the notice given by the executors or administrators of their appointment.

SEC. 11971. *Amount.*—In payment of claims of the third class, all debts owing to employees for labor performed within the ninety days next preceding the death of the decedent, having been filed as by law provided, shall be preferred and paid in full before any other claims of said class are paid. If there is not sufficient property to pay said claims in full the same shall be applied ratably on all such claims.

Wages as preferred claims—In receiverships, etc.

SECTION 12719. *Priority.*—[When the property of the employer has been placed in the hands of a receiver for distribution, after the payment of costs wage claims rank after taxes or other debts due the United States or the State.]

Wages as preferred claims in assignments

SECTION 12732. *Amounts.*—If the claim of any creditor is for personal services rendered the assignor within ninety days next preceding the execution of the assignment, it shall be paid in full.

KANSAS

GENERAL STATUTES—1915

Payment of wages—Semimonthly pay day

SECTION 2164. *Duty of corporations.*—All corporations doing business in this State, which shall employ any mechanics, laborers, or other servants, shall pay the wages of such employees as often as semimonthly: *Provided*, This act shall not apply to the State or any municipal corporation.

SEC. 2165. *Violations.*—[Violations entail a fine, \$50 to \$500 for each offense.]

Wages—Exemptions—Preference

SECTION 4553. *Widow's preference.*—[Grants the widow of a deceased workman his personal earnings exempt to him from attachments, etc.]

SEC. 4564. *Wage preference.*—[Wage debts owed by a deceased employer rank with expenses of last sickness and of administration, funeral expenses being a prior charge.]

SEC. 4703. *Personal property not exempt.*—[No personal property of any wage debtor is "exempt from attachment or execution for the wages of any clerk, mechanic, laborer, or servant."]

SEC. 4705. *Wages exempt, when.*—Wages earned out of this State and payable out of this State shall be exempt from attachment or garnishment in all cases where the cause of action rose [arose] out of this State, unless the defendant in the attachment or garnishment suit is personally served with process; and if the writ of attachment or garnishment is not personally served on the defendant, the court issuing the writ of attachment or garnishment shall not entertain jurisdiction of the cause, but shall dismiss the suit at the cost of the plaintiff.

Payment of wages on termination of employment

SECTION 5880. *Wages to be paid, when.*—It shall be unlawful for any firm or corporation employing labor within this State, to refuse or neglect to pay to any person leaving its service either by resignation or discharge any money due as wages within ten days from the termination of such services, and such payment must be made either at the place of discharge or at any office of such company or corporation within the State as may be designated by the party

employed, he giving notice in writing to the foreman or party in charge of such work.

SEC. 5881. *Violations.*—[Where employers fail to pay wages as required above, the wages continue at the same rate until paid, but not for more than 60 days unless action was begun within that time.]

Wages as preferred claims—In insolvency

SECTION 5885. *Priority of wages.*—[All wages due laborers or employees other than officers of a corporation, earned within 6 months preceding insolvency, "shall be preferred to every other debt or claim."]

Exemption of wages—In executions

SECTIONS 7435, 7436. *Wages exempt on affidavit.*—[If the judgment debtor makes affidavit that earnings for personal services within 3 months prior to the judgment are necessary for the support of his family, such earnings are exempt; except that 10 per cent monthly may be taken and applied to the debt, plus \$4 court costs.]

ACTS OF 1917

CHAPTER 229.—*Payment of wages in scrip*

SECTION 1. *Orders, etc., to be redeemable.*—Any duebill, script [scrip], order or orders for merchandise issued by any person, firm, or corporation to any person in exchange for all or any part of a time check, duebill, script [scrip], order or orders for merchandise issued by any person, firm, or corporation to anyone in their or its employ in payment of wages for labor shall, at the option of the holder, be payable on demand in lawful money of the United States unless the due date shall be plainly and specifically stated thereon, which said due date shall not be more than fifteen days after date.

SEC. 2. *Violations.*—[Fines of from \$500 to \$1,000 are penalties for violations.]

KENTUCKY

CONSTITUTION

Payment of wages

SECTION 244. *Wages to be paid in lawful money.*—All wage earners in this State employed in factories, mines, workshops, or by corporations shall be paid for their labor in lawful money. The general assembly shall prescribe adequate penalties for violations of this section.

[See section 1350, below.]

STATUTES OF 1915

Payment of wages

SECTION 1350. *Penalty.*—Any corporation or person or persons having the ownership or control of any factory, mine, or workshop in this Commonwealth, who shall violate the provisions of section 244 of the constitution, * * * shall be guilty of a misdemeanor, and, on trial and conviction, had in any court of competent jurisdiction, shall be fined not exceeding five hundred dollars for each violation thereof.

Exemption of wages from execution

SECTION 1701A. *Wages earned outside of State.*—Wages earned out of this State and payable out of this State shall be exempt from attachment as garnishment in all cases, where the cause of action arose out of this State, and it shall be the duty of garnishees in such cases to plead such exemption unless the defendant is actually served with process.

Payment of wages of miners—Coercion in trading

SECTION 2738-r1. *Semimonthly pay day.*—All persons, associations, companies, and corporations employing the services of ten or more persons in any mining work or mining industry in this Commonwealth, shall, on or before the fifteenth and thirtieth days of each month, pay to within fifteen days of the aforesaid fifteenth and thirtieth days, respectively, each servant or employee, in lawful money of the United States, the full amount of wages due each such servant or employee rendering such service, unless prevented by an unavoidable casualty: *Provided, however,* That if at any time of payment any servant or employee shall be absent from his place of labor, he shall be entitled to such payment at any time thereafter on demand.

Sec. 2738-s1. *Coercion as to trade.*—It shall be unlawful for any person or persons, association, company, or corporation employing others, as described in section 1, either directly or indirectly, to coerce or require any such servant or employee to deal with or purchase any article of food, clothing, or merchandise of any kind whatever, from any person, association, corporation, or company, or at any place or store whatever. And it shall be unlawful for any such employers as described in the first section to exclude from work, or to punish or blacklist any of said employees for failure to deal with any other or to purchase any article of food, clothing, or merchandise whatever from any other or at any place or store whatever.

2. *Violations.*—[Fines of from \$50 to \$100 are fixed for each violation.]

ACTS OF 1916

CHAPTER 21.—*Payment of wages—Semimonthly pay day*

SECTION 1. *Scope of law.*—Every corporation for pecuniary profit engaged in any enterprise or business within the State of Kentucky shall, as often as semimonthly, pay to every employee engaged in its business all wages or salary earned by such employee to a day not more than eighteen (18) days prior to the date of such payment. And any employee who is absent at the time fixed for payment, or who, for any other reason, is not paid at that time, shall be paid thereafter at any time upon six days' demand, and any employee leaving his or her employment or is discharged therefrom shall be paid in full following his or her dismissal or voluntary leaving his or her employment at any time upon three days' demand. No corporation coming within the meaning of this act shall, by special contract with its employees or by any other means, secure exemption from the provisions of this act. And each and every employee of a corporation coming within the meaning of this act shall have his or her right of action against any such corporation for the full amount of his or her wages due on each regular pay day as herein provided in any court of competent jurisdiction in this State.

Sec. 2. *Violations.*—[Violations of section 1 are punishable by fine, \$25 to \$100, each failure to comply with same constituting a separate offense.]

ACTS OF 1924

CHAPTER 71.—*Payment of wages in scrip*

SECTION 1. *Redemption; records.*—An individual, firm, partnership, or organization or corporation employing labor who may hereafter issue any script [scrip], duebills, checks, or other evidence of debt in any form for labor shall redeem same in cash or legal tender at face value at least once in each month on a regular pay day from any person or persons, firm, or corporation who may present the same for payment: *Provided,* That any person, firm, or corporation buying said script [scrip] or other evidence of debt which has been issued to employees for labor shall be entitled to sue the person, firm, or corporation issuing the same if payment is refused, and shall be entitled to recover face value therefor if it has been paid for in goods and merchandise in store, and if paid for in cash shall be entitled to recover the amount paid for said script [scrip] or other evidence of debt issued to employees, together with 6 per cent interest from date said script [scrip] was purchased, and in the event said amount paid for said script [scrip] or other evidence of debt issued to employees is less than the face value thereof, and that the amount paid and

interest thereon is less than face value of said script [scrip], the residue of the face value thereof shall be credited on the books of the employer to the employee to whom it was issued and said employee shall be entitled to receive same on any regular pay day of said employer: *And provided*, That the person, firm, or corporation suing said employer to recover on said script [scrip] or other evidence of debt shall not be required to make the persons from whom said script [scrip] or other evidence of debt was purchased party or parties to any action brought to enforce collection for same. All persons, firms, and corporations purchasing script [scrip] or other evidence of debt issued to employees on account of labor shall keep an accurate record of the amount of script [scrip] or other evidence of debt purchased and this record so kept shall show the name of each person from whom script [scrip] or other evidence of debt issued to employees for labor was purchased, the amount purchased, date thereof, and amount paid in goods or in cash or other thing of value, and who issued said script [scrip] or other evidence of debt so purchased. This act shall not apply to persons, firms, or corporations employing less than twenty persons. The itemized statement from the record so kept shall be presented when payment is demanded for script [scrip] or other evidence of debt so purchased from any person, firm, or corporation and said statement shall be properly sworn to by the person presenting same or by his or its agent.

LOUISIANA

CONSTITUTION—1921

ARTICLE IV.—*Labor legislation*

SECTION 7. *No wage regulation.*—No law shall be passed fixing the price of manual labor, but the legislature, through the commission or otherwise, may establish minimum wages for and regulate the hours and working conditions of women and girls, except those engaged in agricultural pursuits or domestic service.

ARTICLE XI.—*Suits for wages—Homesteads not exempt*

SECTION 2. *Exemption not applicable.*—[Homestead exemptions are provided for, but they do not apply in the case of debts owing for labor, money, and material furnished for building, repairing, or improving homesteads.]

REVISED LAWS—1897

Suits for wages

(Page 683. Act No. 92, Acts of 1873)

SECTION 1. *Actions against nonresidents.*—In all parishes of the State it shall be lawful for mechanics, laborers, and others doing work on the plantation or plantations of the nonresident proprietors thereof to institute suit for the recovery of their wages, labor, work, or portion of the crop, as the case may be, against the nonresident proprietors of said plantation in the parish in which said labor or work was done and performed.

SEC. 2. *Service of citation.*—In all cases when suits are to be instituted it shall only be necessary to make service of the copy of citation and petition upon the agent, overseer, manager, or other person having control, management, or administration of said plantation, and in the employ of the said nonresident proprietor.

(Page 683. Act No. 25, Acts of 1874)

SECTION 1. *Time of trial.*—In all cases instituted before any court of this State by a laborer or laborers upon any farm or plantation for the recovery of his or their wages, it shall be legal and competent for the judge, upon application of either plaintiff or defendant, to try the suit either in chambers or in open court after three days' service of citation.

SEC. 2. *Appeals.*—In case of appeals from any judgment so rendered either plaintiff or defendant shall be entitled to have the case tried de novo in the

appellate court, either in chambers or in open court, and all appeals in such cases shall be returnable to the appellate court within three days after rendition and signing of judgment.

(Page 683. Act No. 16, Acts of 1886)

SECTION 1. Venue.—Parties holding claims against any citizens of this State for labor performed, or for supplies or materials furnished, or for improvements made upon any farm or plantation, or real estate, are hereby authorized to institute suit for the recovery of such claims before any competent court having territorial jurisdiction of the property, whether the owner be domiciled or not in the parish where the property is situated.

VOORHIES' REVISED CIVIL CODE OF 1870—EDITION OF 1888

Employment of labor

ARTICLE 2748. Employees on farms and in factories.—Laborers, who hire themselves out to serve on plantations or to work in manufactures, have not the right of leaving the person who has hired them, nor can they be sent away by the proprietor, until the time has expired during which they had agreed to serve, unless good and just causes can be assigned.

ART. 2749. Discharge.—If, without any serious ground of complaint, a man should send away a laborer whose services he has hired for a certain time, before that time has expired, he shall be bound to pay to such laborer the whole of the salaries which he would have been entitled to receive, had the full term of his service arrived.

ART. 2750. Leaving employment.—But if, on the other hand, a laborer, after having hired out his services, should leave his employer before the time of his engagement has expired, without having any just cause of complaint against his employer, the laborer shall then forfeit all the wages that may be due to him, and shall moreover be compelled to repay all the money he has received, either as due for his wages, or in advance thereof on the running year or on the time of his engagement.

Wages as preferred claims—In administration

ARTICLE 3254. Priority of wage claims.—[Makes wages of servants rank next after funeral charges, law charges, and expenses of last illness.]

VOORHIES' CODE OF PRACTICE—THIRD EDITION

Exemption of wages from execution, etc.

ARTICLE 644. Wage exemption.—The sheriff or constable can not seize * * * wages, nor recompense for personal services, * * *

ACTS OF 1904

ACT No. 165.—Exemption of wages from garnishment

SECTION 1. Wages exempt, when.—Wages earned out of this State and payable out of this State shall be exempt from attachment of garnishment in all cases where the cause of action arose out of this State, and it shall be the duty of garnishees in such cases to plead such exemption unless the defendant is actually served with the process.

ACTS OF 1908

ACT No. 228.—Payment of wages in scrip

SECTION 1. Scrip to be redeemed in cash.—Any person, firm, or corporation issuing checks, punch outs, tickets, tokens, or other device, redeemable either wholly or partially in goods or merchandise at their, or any other place of business, shall, on demand of any legal holder thereof, on the next pay day of such person, firm, or corporation issuing same succeeding the date of issuance

of same be liable for the full face value thereof, in current money of the United States.

SEC. 2. *Payable to bearer.*—Any such checks, punch outs, tickets, tokens, or other device, issued by any person, firm, or corporation, shall be considered and treated as payable to bearer, on demand, in current money of the United States, notwithstanding any contrary stipulation or provision which may be therein contained.

SEC. 3 (as amended 1924, No. 210). *Failure to redeem.*—[Failure of the party issuing such checks, tokens, etc., to redeem the same at full face value when demanded so to do by the legal holder thereof, on a regular pay day, is a misdemeanor, punishable by fine, \$50 to \$500, and imprisonment not more than 90 days, in the discretion of the court.]

ACTS OF 1910

ACT No. 28.—*Suits for wages—Sending claims outside the State*

SECTION 1. *Sending out claims forbidden.*—It shall be illegal for any person, firm, or corporation to seek, solicit, receive, or transfer any account, note, or other claim against a resident of this State who works for a salary or wages, with a view or with the intention of suing on it in another State, or permitting such to be done, or aiding or abetting such suit on such claim in another State, against a resident of this State.

ACTS OF 1914

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

SECTION 1 (as amended 1918, No. 225). *Pay day.*—Every corporation, company, association, oil companies and mining companies, partnerships or individual persons, engaged in manufacturing of any kind in this State, or engaged in boring for oil and in mining operations, employing as many as ten (10) or more employees, and every public service corporation doing business in this State, shall be required to make full payment to employees for services performed, as often as once every two weeks or twice during each calendar month, which pay days shall be two weeks apart as near as is practicable, and such payment or settlement shall include all amounts due for labor or services performed up to not more than seven days previous to the time of payment, except that public service corporations shall not be required to make payment for labor or services performed up to more than fifteen days prior to the time of payment: *Provided*, That, except in cases of public service corporations, this act shall not apply to the clerical force or salesmen.

SEC. 2. *Violations.*—[Violations entail a fine, \$25 to \$250, or imprisonment not less than 10 days, or both, for each day's violation.]

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

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

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

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

ACTS OF 1916

Act No. 188.—*Coercion of employees—Company stores*

SECTION 1. *Coercion forbidden.*—It shall hereafter be unlawful for any person, individual, firm, or corporation acting either for themselves or as agents or otherwise to coerce or require any of their employees to deal with or purchase any article of food, clothing, or merchandise of any kind whatsoever from any individual, person, firm, or corporation.

SEC. 2 *Same.*—It shall be unlawful for any individual, person, firm, or corporation or employer of labor to exclude from work or to punish or blacklist any of said employees for failure to deal with another or to purchase any article of food, clothing, or merchandise whatsoever from another or at any place whatsoever: *Provided, however,* That this act shall not apply to the sale and purchase of uniforms.

SEC. 3. *Penalty.*—Any violation of this act shall be a misdemeanor and punishable by a fine of not less than \$50 or more than \$100, or imprisonment for at least 30 days or not more than 90 days, or both, at the discretion of the court.

Act No. 270.—*Employers' liability insurance—Deductions from wages for premiums*

SECTION 1. *Deducting premiums forbidden.*—It shall be unlawful for any person, firm, or corporation, or his or its agent or representative, directly or indirectly, to deduct from the wages or other compensation of any employee of such person, firm, or corporation, any contribution to pay, or toward the payment of, any premium or other charge of employer's liability insurance, or to demand, request or accept of any employee such contribution or payment for such purposes; or to demand or request of any employee that he or she make any payment or contribution for such purpose to any other person, firm or corporation.

SEC. 2. *Violations.*—[Violations incur penalty of not exceeding \$500 or imprisonment not exceeding 1 year, or both.]

ACTS OF 1920

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

SECTION 1. *Payment required.*—It shall be the duty of every person, individual, firm, or corporation employing laborers or other persons of any kind whatever when they have discharged said laborer or other employee, to within twenty-four hours after discharged pay the laborer or employee the amount due him or them under the terms of his or their employment, whether by the day, week, or month, upon demand being made by the said discharged laborer or employee, upon his employer, at the place where said employee or laborer is usually paid.

SEC. 2. *Violations.*—Any individual, firm, person, or corporation employing laborers or others in this State who shall fail or refuse to comply with the provisions of section 1 of this act, shall be liable to the said laborer or other employee for his full wages from the time of such demand for payment by the discharged laborer or employee until the said person, firm, or corporation shall pay or tender payment to the amount due such laborer or other employee.

MAINE

REVISED STATUTES—1916

CHAPTER 49.—*Weekly payment of wages—Discharge*

SECTION 34. *Weekly payment.*—Every corporation, person or partnership, engaged in a manufacturing, mechanical, mining, quarrying, mercantile, street railway, telegraph or telephone business; in any of the building trades; upon public works, or in the construction or repair of street railroads, roads, bridges, sewers, gas, water or electric light works, pipes or lines:

every incorporated express company or water company; and every steam railroad company or corporation shall pay weekly each employee engaged in his or its business the wages earned by him to within eight days of the date of said payment, but any employee, leaving his or her employment, shall be paid in full on the following regular pay day: *Provided*, That when an employee is discharged he shall be paid the wages due him on demand; and the State, its officers, boards and commissions shall so pay every mechanic, workman and laborer who is employed by it or them, and every county and city shall so pay every employee who is engaged in its business the wages or salary earned by him, unless such mechanic, workman, laborer or employee requests in writing to be paid in a different manner; and every town shall so pay each employee in its business if so required by him; but an employee who is absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand. The provisions of this section shall not apply to an employee engaged in cutting and hauling logs and lumber nor the driving of same until it reaches its place of destination for sale or manufacture; nor to an employee of a cooperative corporation or association if he is a stockholder therein unless he requests such corporation to pay him weekly. No corporation, contractor, person or partnership shall by a special contract with an employee or by any other means exempt himself or itself from the provisions of this section. Whoever violates the provisions of this section shall be punished by a fine of not less than ten, nor more than fifty dollars.

SEC. 35. *Notice of termination of employment.*—Any person, firm or corporation engaged in any manufacturing or mechanical business, may contract with adult or minor employees to give one week's notice of intention on such employee's part, to quit such employment under a penalty of forfeiture of one week's wages. In such case, the employer shall be required to give a like notice of intention to discharge the employee; and on failure, shall pay to such employee, a sum equal to one week's wages. No such forfeiture shall be enforced when the leaving or discharge of the employee is for a reasonable cause: *Provided, however*, That the enforcement of the penalty aforesaid, shall not prevent either party from recovering damages for a breach of the contract of hire.

CHAPTER 75.—*Wages—Preference—Exemption*

SECTION 42. *Insolvency.*—[In paying debts of an insolvent, wages owed operatives, clerks, and servants, earned within the prior 6 months, not exceeding \$50, rank next after court fees and costs and debts and taxes owed the State and the United States.]

SEC. 68. *Exemptions.*—[The wages due an insolvent debtor for one month preceding service of process, not exceeding \$20 in amount, may not be attached for prior debts.]

CHAPTER 91.—*Exemption of wages from garnishment*

SECTION 55. * * * VI (as amended 1923, ch. 125). *Amount.*—[Wages in the amount of \$20 for the personal labor of the debtor are exempt from attachment; also all wages of the debtor's wife and minor children. If process has been served, the trustee shall nevertheless pay over to the employee the amount exempt from attachment.]

CHAPTER 114.—*Assignments of wages to be recorded*

SECTION 9. *Recording required.*—No assignment of wages is valid other than as to the parties to the assignment unless recorded by the clerk of the town or the register of deeds.

MARYLAND

BAGBY'S ANNOTATED CODE—1924

ARTICLE 9.—*Exemption of wages from attachment*

SECTION 33. *One hundred dollars exempt.*—No attachments of the wages or hire of any laborer or employee, in the hands of the employer, whether private

individuals or bodies corporate, shall affect any salary or wages of the debtor which are not actually due at the date of the attachment; and the sum of one hundred dollars of such wages or hire due to any laborer or employee by any employer or corporation shall always be exempt from attachment by any process whatever.

SEC. 34. *Nonresidents.*—The wages or hire of any person or persons, not residing in this State, shall be subject to attachment upon judgment, warrant, or upon two non ests, in the same manner and to no larger extent than the wages or hire of any person or persons, resident in this State.

ARTICLE 23.—*Payment of wages—Semimonthly pay day*

SECTION 151. *Wages to be paid, when.*—* * * Every association or corporation doing business in the State of Maryland employing wageworkers, whether skilled or ordinary laborers, engaged in manual or clerical work, in the business of mining, manufacturing, operating a steam or electric railroad, street railway, telegraph, telephone, or express company, shall make payment in lawful money of the United States semimonthly to said employees, laborers, and wageworkers, or to their authorized agents, at their respective places of employment, at intervals of not more than sixteen days and not more [less] than fourteen days. In case any said corporations or associations doing business as aforesaid, or any of their officers, shall refuse to make payment at the times above set forth to their wageworkers, laborers, or other employees the wages due them or any of them, said association, corporation, or officer so refusing shall be guilty of a misdemeanor, and be liable to indictment therefor, and, upon conviction, shall be fined a sum not exceeding two hundred dollars for each offense.

ARTICLE 23.—*Company stores*

SECTION 248. *Company stores forbidden to certain corporations.*—No railroad or mining company formed or organized under any of the provisions of this article, or which has organized under any existing laws, charter, or act of the general assembly of this State, shall own, conduct, or carry on any store, or have any interest in any store, or receive any portion of the profits thereof; but nothing herein contained shall prevent the employees of any corporation from forming cooperative stores.

ARTICLE 23.—*Forced contributions from railroad employees*

SECTION 252. *Withholding wages.*—It shall not be lawful for any railroad company doing business in this State to withhold any part of the wages of its employees for the benefit of any relief association or the members thereof. Any railroad company violating the provisions of this section shall upon conviction be fined not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars for each and every offense.

ARTICLE 27.—*Payment of wages—Semimonthly pay day*

SECTION 532. [Same as art. 23, sec. 151.]

ARTICLE 47.—*Wages as preferred claims—In assignments, etc.*

SECTION 15. *Insolvency.*—[Receivers of insolvents are to pay first the wages or salaries of clerks, servants, salesmen, or employees for not more than three months prior to the execution of the assignment, adjudication or decree, next after the legitimate costs, taxes, and commissions, excepting lien claims recorded at least three months prior to the assignment.]

ARTICLE 83.—*Assignments of claims on wages—Sending claims outside of State*

SECTION 15. *Assignment of wage claims.*—[Citizens of the State are forbidden to send or transfer any claim for debt against a resident of the State for collection outside the State with the intent of depriving the debtor of the benefit of the wage exemption laws of the State. Violator is liable for amount collected and also (sec. 18) is punishable for a misdemeanor.]

MASSACHUSETTS

GENERAL LAWS—1921

CHAPTER 149.—*Employees on public works—Action for wages*

SECTION 28. *Action against cities or towns.*—A person to whom a debt is due for labor performed in constructing a building, sewer or drain, or water-works or other public works owned by a town, under a contract with any person having authority from or rightfully acting for such town in furnishing such labor, shall have a right of action against such town to recover such debt if, within thirty days after he ceases to perform such labor, he files in the clerk's office of the town against which he claims such right of action a written statement under oath of the amount of the debt so due to him, and the names of the persons for whom and by whose employment the labor was performed, and if, within sixty days after he ceases to perform such labor, he commences such action. Such right of action shall not be lost by reason of a mistake in stating the amount due; but the claimant shall not recover as damages a larger amount than is named in said statement as due to him, with interest. No person who has contracted to furnish labor other than his own in such construction shall have such right of action.

CHAPTER 149.—*Payment of wages—Weekly pay day*

SECTION 148 (as amended 1925, ch. 165). *Who to pay wages weekly.*—Every person engaged in carrying on in a city a hotel or club, and every person engaged in carrying on within the Commonwealth a theater, moving-picture house, dance hall, factory, workshop, manufacturing, mechanical or mercantile establishment, mine, quarry, railroad or street railway, or telephone, telegraph, express, transportation or water company, or in the erection, alteration, repair or removal of any building or structure, or the construction or repair of any railroad, street railway, road, bridge, sewer, gas, water or electric-light works, pipes or lines, and every contractor engaged in the business of grading, laying out or caring for the grounds surrounding any building or structure, shall pay weekly each employee engaged in his business, and every person employing musicians, janitors, porters or watchmen shall pay weekly each such employee, the wages earned by him to within six days of the date of said payment if employed for six days in a week or to within seven days of the date of said payment if employed seven days in the week, or, in the case of an employee who has worked for a period of less than six days, hereinafter called a casual employee, shall, within seven days after the termination of such period, pay the wages earned by such casual employee during such period; but any employee leaving his employment shall be paid in full on the following regular pay day; and any employee discharged from such employment shall be paid in full on the day of his discharge, or in Boston as soon as the laws requiring pay rolls, bills and accounts to be certified shall have been complied with; and the Commonwealth, its departments, officers, boards and commissions shall so pay every mechanic, workman, and laborer employed by it or them, and every person employed by it or them in any penal or charitable institution, and every county and city shall so pay every employee engaged in its business the wages or salary earned by him, unless such mechanic, workman, laborer, or employee requests in writing to be paid in a different manner; and every town shall so pay each employee in its business if so required by him; but an employee absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand. This section shall not apply to an employee of a cooperative corporation or association if he is a stockholder therein unless he requests such corporation to pay him weekly, nor to casual employees, as hereinbefore defined, employed by the Commonwealth or by a county, city, or town. The department of public utilities, after hearing, may exempt any railroad corporation from paying weekly any of its employees if it appears that such employees prefer less frequent payments, and that their interests and the interests of the public will not suffer thereby. No person shall by a special contract with an employee or by any other means exempt himself from this section or section one hundred and fifty. Whoever violates this section shall be punished by a fine of not less than ten nor more than fifty dollars.

Sec. 149. *Warrant for violation.*—A justice or clerk of a district court, or a trial justice, may upon the application of any employee issue a summons to an employer to appear and show cause why a warrant should not issue against him for a violation of the preceding section. Upon the return of such summons and after a hearing the justice may issue a warrant upon the complaint of any such employee.

Sec. 150. *Complaint for violation.*—The department may make complaint against any person for a violation of section one hundred and forty-eight within three months after the date thereof. On the trial no defense for failure to pay as required other than the attachment of such wages by trustee process, or a valid assignment thereof or a valid set-off against the same, or the absence of the employee from his regular place of labor at the time of payment, or an actual tender to such employee at the time of payment of the wages so earned by him, shall be valid. The defendant shall not set up as a defense a payment of wages after the bringing of the complaint. An assignment of future wages payable weekly under section one hundred and forty-eight shall not be valid if made to the person from whom such wages are to become due or to any person on his behalf, or if made or procured to be made to another person for the purpose of relieving the employer from the obligation to pay weekly.

Sec. 151. *Payment during work time.*—Persons carrying on any manufacturing business employing one hundred or more persons shall, on the day chosen as pay day, pay such of their employes as are on that day working in the manufacturing establishment, before the close of the regular working hours.

Sec. 152. *Deductions for tardiness.*—There shall not be deducted from the wages of an employee in any factory, workshop, manufacturing, mechanical or mercantile establishment, or from the wages of a mechanic, workman, or laborer, on account of the employee's coming late to work, a sum in excess of the proportionate wage which would have been earned during the time actually lost. Whoever violates this or the preceding section shall be punished by a fine of not more than fifty dollars.

Sec. 153. *Fines for imperfect weaving.*—No system used by manufacturers for grading the work of a weaver shall affect or lessen the wages of the weaver except for imperfections in his own work; and in no case shall the wages of those engaged in weaving be affected by fines or otherwise unless the imperfections complained of are first exhibited and pointed out to the person whose wages are to be affected; and a fine shall not be imposed upon any person for imperfect weaving unless this section is first complied with and the amount of the fines is agreed upon by both parties.

Sec. 154. *Same.*—No employer shall impose a fine upon an employee engaged at weaving for imperfections arising during the process of weaving. Whoever violates this or the preceding section shall for the first offense be punished by a fine of not more than one hundred dollars and for a subsequent offense by a fine of not more than three hundred dollars.

Sec. 155. *Specifications for weavers.*—The occupier or manager of every cotton factory shall supply to each person engaged as a weaver in said factory and paid by the piece, cut, or yard a printed or written ticket with each warp which shall contain the following specifications as to the work to be done and wages paid: The number of cuts, the number of yards per cut or piece, the price per yard, cut or piece, the number of picks per inch and the number of reeds to the inch. Said occupier or manager shall also supply to each person engaged as a frame tender a specification of the number of roving and price per hank, and to each person engaged as a warper or web drawer a specification of the number of threads in the warp and the rate of compensation, and to each operative paid by the pound a specification of the price to be paid per pound; said specification shall be furnished in each case on a printed or written ticket within three days after said operative begins work.

Sec. 156. *Nature of specifications.*—The occupier or manager of every textile factory shall post in every room where any employees work by the job, in legible writing or printing, and in sufficient numbers to be easily accessible to such employees, specifications of the character of each kind of work to be done by them, and the rate of compensation. Such specifications in the case of weaving rooms shall state the intended and maximum length of a cut or piece, the count per inch of reed, and the number of picks per inch, width of loom, width of cloth woven in the loom, and the price per cut or piece, or per pound; or, if

payment is made per pick or per yard, the price per pick or per yard; and each warp shall bear a designating ticket or mark of identification. In roving or spinning rooms, the number of roving or yarn and the price per hank for each size machine shall be stated; and each machine shall bear a ticket stating the number of the roving or yarn made upon it. In spooling rooms the boxes shall bear a ticket stating the number of pounds the box contains and the price per pound. The maximum length of a cut or piece shall not exceed its intended length by more than three per cent; but if it appears that a variation in excess of the amount hereinbefore set forth has been caused in whole or in part by any weaver in the employ of any person charged with the violation of this section, it shall be deemed a sufficient defense to a prosecution. The said specifications shall also contain a detailed schedule of the method of computation of the price of cotton or silk or mixed cotton and silk weaving to be paid by the said occupier or manager, and no particular in the specifications shall be expressed by means of symbols, but every particular shall be sufficiently clear and complete to enable the operative to determine readily the price payable for the cut or piece.

[Violation entails a fine of \$100 for first offense, \$200 for second, and \$500 or imprisonment one month, or both, for a subsequent offense.]

SEC. 157. *Violations.*—[Violations of sec. 155 are punishable, for a first offense, by a fine, \$25 to \$50; and for subsequent offenses, \$50 to \$100. Interfering with an inspector in enforcing secs. 155 and 156 is similarly punishable.]

SEC. 158. *Deductions for stoppage of machinery.*—Deductions shall not be made from the wages of women or children paid by the day or hour, and employed in manufacturing or mechanical establishments, while machinery is stopped, if said women or children are refused the privilege of leaving the mill while the damage to said machinery is being repaired; and if they are detained in their workrooms during such time they shall not be compelled to make up time lost by such stopping unless compensated therefor at their regular rates of wages. Whoever violates this section shall be punished by a fine of not more than \$20.

SEC. 159. *Notice of discharge.*—A person engaged in manufacturing who requires from his employees, under penalty or forfeiture of a part of the wages earned by them, a notice of intention to leave such employ shall be liable to a like forfeiture if, without similar notice, he discharges an employee.

CHAPTER 159.—*Railroad, etc., construction—Wages due by contractors*

SECTIONS 96, 99, 100. *Action against railroad.*—[Where a debt is due for labor performed in constructing a railroad or railway under contract with an authorized person other than the corporation the laborer may file in the office of the clerk of the city or town a statement on oath of the amount of the debt, and the person by whom employed. Action may then be brought against the corporation or company. The right of action is not lost by stating a larger sum than is due, but no recovery can be had for a larger amount than that named. Actions must be begun within 60 days after the plaintiff ceased to perform the labor for which the payment is sought.]

CHAPTER 198.—*Wages as preferred claims—In administration*

SECTION 1. *Amount.*—[Wages due any clerk, servant, or operative for labor within a year preceding the death of the employer, not exceeding \$100, rank next after debts given a preference under the laws of the United States, and public rates, taxes, and excise duties.]

CHAPTER 216.—*Wages as preferred claims—In insolvency*

SECTION 118. *Rank.*—[Wages as above rank next after costs and legal fees in proceedings in insolvency, debts due the United States, and debts and taxes due the Commonwealth or any subdivision thereof.]

CHAPTER 246.—*Exemption of wages from attachment*

SECTION 28. *Amounts exempt.*—[Wages in amount not exceeding \$20 are exempt from attachment except for necessities furnished the debtor or his family, as to which but \$10 are exempt.]

SEC. 30. *Attachment of exempt wages.*—[One who willfully causes or aids in causing exempt wages to be attached in order to delay their payment as entitled is subject to a fine of not over \$50 to the use of the injured person.]

SEC. 32. *Absolute exemptions.*—[Wages of a defendant's wife or minor child may not be attached for his debt; nor may a seaman's wages be seized, but fishermen are not included in this exemption.]

MICHIGAN

COMPILED LAWS—1915

Payment of wages in scrip

SECTION 7208. *Scrip, etc., to be redeemable in money.*—It shall be unlawful for any corporation to sell, give, deliver or in any manner issue, directly or indirectly, to any person employed by him or it, in payment of wages due for labor, or as advances on the wages of labor not due, any scrip, token, order, or other evidence of indebtedness purporting to be payable or redeemable otherwise than in money. Any violation of the provisions of this section shall be punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars or imprisonment for not more than thirty days or both such fine and imprisonment in the discretion of the court, and any such scrip, token, order, or other evidence of indebtedness issued in violation of the provisions of this act, whatever its provisions as to the time or manner of payment shall be, in legal effect, an instrument for the unconditional payment of money only on demand, and the amount thereof may be collected in money by an holder thereof in a civil action against the corporation selling, delivering or in any manner or for any purpose issuing the same; and such holder may be either the person to whom such instrument was originally issued or who acquired the same by purchase and delivery.

SEC. 7209. *Evidence.*—Any scrip, token, order, or other evidence of indebtedness, issued in violation of the provisions of this act, and presented by the holder thereof, shall be taken as prima facie evidence, in any court of competent jurisdiction, of the guilt or indebtedness of any corporation selling, giving, delivering or in any manner issuing the same.

SEC. 7210. *Who made defendants.*—Any person selling, giving, delivering or in any manner issuing said scrip, token, order, or other evidence of indebtedness in behalf of any corporation in violation of the provisions of the preceding sections shall be the defendant to the criminal action, and the corporation shall be held as defendant to the civil action: *Provided*, That the provisions of this act shall not apply, when any employee shall voluntarily request or consent to receive scrip, tokens or orders upon any person, company or corporation in payment, or part payment, of wages due, or to become due, to such employee.

Wages as preferred claims—In assignments

SECTION 13614. *Rank.*—[Labor debts entitled to preference under State laws are to be paid next after taxes and costs.]

Suits for wages—Security for costs not required

SECTION 14179. *Security for costs not required, when.*—In any suit brought to recover for the personal work and labor of the plaintiff, security for costs shall not be ordered in case the plaintiff shall make and file with the court an affidavit that he has a good and meritorious cause of action and is unable to procure security for costs.

Execution on judgments for wages not to be stayed

SECTION 14294. *Execution forthwith.*—* * * In suits to recover for the personal work and labor of the defendant [plaintiff], or any member of his family, execution shall, on application of the person in whose favor the judgment was rendered, his agent or attorney, be issued forthwith after the rendition of the judgment.

Exemption of wages from garnishment

SECTION 14365. *Amount.*—[To a householder who is head of a family, 60 per cent of his employer's indebtedness for labor, not over \$30 and at least \$8, is exempt from garnishment; to one "not a householder having a family," 30 per cent of the employer's indebtedness is exempt; and if the defendant is not a householder, not over \$15 is exempt, though in all cases at least \$4 is exempt.]

Wages as preferred claims—In insolvency

SECTION 14622. *Rank.*—[In cases of insolvency labor debts take precedence over all other debts which were not a lien on the estate or some portion thereof prior to the performance of the labor.]

Forced contributions from employees

SECTION 15118. *Exactng contributions.*—It shall be unlawful for any employer of labor, by himself, his agent, clerk or servant to require any employee, or person seeking employment, as a condition of such employment, or continuance therein, to make and enter into any contract, oral or written, whereby such employee or applicant for employment shall agree to contribute directly or indirectly to any fund for charitable, social, or beneficial purpose or purposes.

SEC. 15119. *Making deductions from wages.*—It shall be unlawful for any such employer, by himself, his agent, clerk, or servant, to deduct from the wages of any employee, directly or indirectly, any part thereof without the full and free consent of such employee, obtained without intimidation or fear of discharge for refusal to permit such deduction.

SEC. 15120. *Individual liability.*—If the employer be a firm or corporation, each and every member of said firm, and each and every managing officer of the corporation, shall be liable to punishment under this act; and any clerk, servant, or agent of any such employer who shall do or attempt to do any act forbidden by this act, shall be equally liable with his employer or employers as principal, for any such violations of this act.

SEC. 15121. *Violations.*—[Violations entail fine, \$25 to \$100, or imprisonment 10 to 90 days.]

ACTS OF 1919

ACT No. 239.—*Employment of labor—Equal pay for women*

SECTION. 1. *Discrimination forbidden.*—Hereafter it shall be unlawful for any employer of labor in this State, employing both males and females in the manufacture or production of any article, to discriminate in any way in the payment of wages as between sex or to pay any female engaged in the manufacture or production of any article of like value, workmanship, and production a less wage, by time or piece work, than is being paid to males similarly employed in such manufacture, production, or in any employment formerly performed by males: *Provided, however,* That no female shall be given any task, disproportionate to her strength, nor shall she be employed in any place detrimental to her morals, her health, or her potential capacity for motherhood.

SEC. 2. *Penalty.*—Any person, persons, firm, or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in a sum not exceeding one hundred dollars or by imprisonment not exceeding three months, or by both such fine and imprisonment in the discretion of the court.

ACTS OF 1925

ACT No. 62.—*Payment of wages*

SECTION 1. *Semimonthly pay day.*—Every employer of labor in the State of Michigan, except employers of farm labor, domestic labor and employees of the State or any subdivision thereof shall, on or before the first day of each calendar month, pay to each employee engaged in his or its employment, 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 calendar month

to each employee the wages earned by him during the last half of the preceding calendar month: *Provided, however*, That nothing herein shall be construed to prohibit the payment of wages oftener than herein provided. Any employee, leaving his or her employment between the dates of any established pay day hereunder shall be paid the wages earned and due at the time of leaving, within three days after a demand has been made for same. But, any employee, discharged from his or her employment or absent from his or her place of employment on such regular pay day shall be paid the wages earned and due such employee forthwith as soon as the amount due can with the utmost diligence be ascertained: *Provided*, That, unless upon such demand, none of the provisions of this act shall apply to employees working under contract, where the amount due can not be ascertained until the termination of the contract, but in all cases of employees working under contract, the employer shall pay to such employee semimonthly wages earned by such employee as nearly as the same can be estimated, and final and complete payment shall be made at the termination of the contract: *Provided further*, That in the case of a disagreement between an employee and an employer regarding the amount of wages due to an employee, the employer shall be deemed to have complied with the provisions of this act if the payment of the wages claimed to be correct by the employer is paid to the employee on the regular pay day on which such wages are due, and in case the employee proves his claim for more wages due him than has been paid by the employer, the employer shall pay the additional amount due the employee immediately. The payment of such wages and compensation shall be paid in lawful money of the United States or by any good and valuable negotiable check or draft payable on presentation thereof at some bank or established place of business without discount, in lawful money of the United States and not otherwise: *Provided, however*, That nothing in this act shall be construed as to prohibit a deduction from the wages or compensation of any employee, any indebtedness or obligation owed by such employee to the employer, rates or assessments becoming due to any hospital association or to any relief, savings or other department or association maintained by the employer for the benefit of the employees.

SEC. 2. *Payment in case of death.*—In case of the death of any employee, the employer may pay the wages due to such deceased employee, to the wife, children, father or mother, sister or brother, (preference being given in the order named) of the deceased employee without requiring letters of administration to be issued upon the estate of said deceased employee, and if such deceased employee shall not leave a wife, children, father, mother, sister or brother surviving him, then the employer may pay the wages due such deceased employee, to the creditors of such deceased employee as follows: Undertaker, physician, hospital, boarding-house keeper and nurse, each their pro rata share of wages due such employee, upon a sworn statement of the amount due, without letters of administration being issued. And the payment of such wages shall be a full discharge and release of the employer from the wages so due and paid.

SEC. 3. *Attorneys' fees.*—Whenever it shall become necessary for the employee to maintain an action at law, for the recovery or collection of any wages due as provided for by this act, and when a regularly licensed attorney is employed, then such judgment in addition to the legal rate of interest and taxable cost shall include an attorney fee of not less than five dollars nor more than fifteen dollars in the discretion of the court in favor of the successful party to be taxed as part of the costs in the case.

SEC. 4. *Enforcement.*—It shall be the duty of the department of labor and industry to enforce the provisions of this act and upon due notice the prosecuting attorney of any county in which a violation of this act has occurred shall prosecute the same according to law.

SEC. 5. *Violations.*—Any employer, unless prevented by act of God, proceedings in bankruptcy, or orders or processes of any court of competent jurisdiction, or circumstances over which such employer has no control, who shall fail to make payment of the wages due any employee as provided in this act, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not to exceed one hundred dollars.

SEC. 6. *Provisions severable.*—If any section or part of a section of this act be held invalid for any reason it is hereby declared to be the legislative intent that the remaining provisions of this act would have been enacted without such section or part held to be invalid having been included therein.

MINNESOTA
CONSTITUTION

ARTICLE 1.—*Suits for wages—No property exempt*

SECTION 12. *No exemption from judgments for wages.*—* * * A reasonable amount of property shall be exempt from seizure or sale for the payment of any debt or liability. The amount of such exemption shall be determined by law: *Provided, however,* That all property so exempted shall be liable to seizure and sale for any debts incurred to any person for work done or materials furnished in the construction, repair, or improvement of the same; *And provided further,* That such liability to seizure and sale shall also extend to all real property for any debt incurred to any laborer or servant for labor or service performed.

GENERAL STATUTES—1913

Payment of wages for logging—Extension of time

SECTION 7005. *Agreements to be in writing.*—Every agreement extending the time of payment for manual labor, performed or to be performed in cutting, hauling, banking, or driving logs, beyond the time of the completion of such labor, shall be void, unless such agreement, expressing the consideration, be in writing subscribed by the party to be charged therewith, and unless, at the time of making such agreement or completing such labor, the person for whom it is to be or has been performed deliver to such laborer his negotiable promissory note for payment of the agreed compensation, with interest. Every lien allowed by law on account of such labor shall pass by the transfer of such note, and be enforceable by the holder thereof.

Wages as preferred claims—In attachments, etc.

SECTION 7077. *Wages preferred.*—[Earnings for six months, not exceeding \$200, prior to an attachment, shall be a lien on all the property of the employer, preferred to all other liens or claims attaching after the beginning of the labor, and is not affected by waiver.]

SEC. 7079. *Same.*—[A similar lien exists "as against all other creditors," in case of death, dissolution, or insolvency.]

Place of suits for wages

SECTION 7720. *Suit to be brought in place of work.*—An action for the recovery of wages or money due for manual labor may be brought in the county in which such labor was performed; and when so brought the venue of such action shall not be changed to another county without the written consent of the plaintiff filed with the court.

Garnishment of wages of public employees

SECTION 7867 (as amended 1925, ch. 387). *Garnishment allowed.*—[Wages of officers or employees of municipal corporations, school districts, etc., are liable to garnishment except as exempt by law. Such persons have the same right to sell, assign or transfer their salaries as persons in private employment. The remainder of the section prescribes procedure.]

Exemption of wages from execution

SECTION 7951 (as amended 1915, ch. 202). *Amount.*—[Wages not exceeding \$35 earned within 30 days prior to an attachment, etc., are exempt. The earnings of the debtor's minor child can not be levied on unless the debt was incurred for such child's special benefit.]

Suits for wages—Costs

SECTION 7975. *Costs allowed, when.*—Whenever any person having employed another to perform any labor or service, shall neglect or refuse for thirty days

after the same is due and payment demanded to pay the agreed price, or the reasonable value if there be no agreement, and the same shall be recovered by action, there shall be allowed to the plaintiff, and included in his judgment, in addition to his disbursements allowed by law, five dollars costs if the judgment be recovered in a justice court and a like sum if the judgment be recovered in a municipal court where no statutory costs are now allowed in such municipal court in such action, and double costs in all other actions wherein costs are recoverable or on appeal.

Wages as preferred claims—In assignments

SECTION 8333. *Rank.*—[Wages of servants, laborers, mechanics and clerks for 3 months preceding any assignment rank next after the costs of the assignment and debts, taxes and assessments owing to the United States or the State.]

Extortion—Withholding wages

SECTION 8889. *Extortion.*—* * * Every person indebted to another for labor, or any agent or any person, copartnership, or corporation so indebted, who, with intent to secure a discount upon such indebtedness, shall willfully refuse to pay the same, or falsely deny the amount or validity thereof, or that the same is due; * * * shall be guilty of extortion, and punished by imprisonment in the State prison for not more than five years.

ACTS OF 1915

CHAPTER 29 (as amended by chapter 37, Acts of 1915)—*Payment of wages—Semimonthly pay day*

SECTION 1. *To whom law applies.*—All public service corporations doing business within this State are required to pay their employees at least semimonthly, the wages earned by them to within fifteen (15) days of the date of such payment, unless prevented by inevitable casualty:

Provided, however, That whenever an employee shall be discharged, his wages shall be paid to him at the time of his discharge or whenever he shall demand the same thereafter.

Sec. 2. *Neglecting to pay.*—Whenever any public service corporation shall for five days neglect or refuse to pay its employees as prescribed by section 1 of this act, the wages due them may be recovered by action without further demand, and there shall be allowed to the plaintiff, and included in his judgment, in addition to his disbursements allowed by law, five dollars costs if the judgment be recovered in a justice court, and a like sum if the judgment be recovered in a municipal court, where no statutory costs are now allowed in such municipal court in such action, and double costs in all other courts or on appeal.

CHAPTER 105.—*Payment of wages—Nonpayment by contractors*

SECTION 1. *Misuse of funds.*—Any contractor or subcontractor on any improvement to real estate within the meaning of section 7020, General Statutes 1913, who, with intent to defraud, shall use the proceeds of any payment made to him on account of such improvement by the owner of such real estate or person having any improvement made, for any other purpose than the payment for labor, skill, material and machinery contributed to such improvement, while any such labor performed, or skill, material or machinery furnished for such improvement at the time of such payment remains unpaid for, shall be guilty of larceny of the proceeds of such payment so used.

ACTS OF 1917

CHAPTER 348.—*Payment of wages in scrip*

SECTION 1. *Orders to be negotiable.*—It shall be unlawful for any person, firm, or corporation other than public-service corporations to issue to any employee in lieu of or in payment of any salary or wages earned by such employee, a nonnegotiable time check or order. Any person, firm, or corporation

so issuing a nonnegotiable instrument in lieu of or in payment of such salary or wages earned, shall be guilty of a misdemeanor.

ACTS OF 1919

CHAPTER 175.—*Payment of wages due at end of employment*

SECTION 1. *Discharged employees.*—Whenever any person, firm, company, association, or corporation employing labor within this State discharges a servant or employee from his employment, the wages actually earned and unpaid at the time of such discharge shall become immediately due and payable, upon demand of such employee, at the usual place of payment, and if not paid within twenty-four hours after such demand, whether such employment was by the day, hour, week, month, or piece, such discharged employee may charge and collect wages at the rate agreed upon in the contract of employment, for such period, not exceeding fifteen days (after the expiration of said twenty-four hours) and the employer is in default, until full payment or other settlement satisfactory to said discharged employee, is made.

SEC. 2. *Employees leaving employment.*—Whenever any such employee (not having a contract for a definite period of service) quits or resigns his employment, the wages earned and unpaid at the time of such quitting or resignation shall become due and payable within five days thereafter, at the usual place of payment, and any such employer failing or refusing to pay such wages, after they so become due, upon the demand of such employee at such place of payment, shall be liable to such employee from the date of such demand for an additional sum equal to the wages provided in said contract of employment, for every day (not, however, exceeding fifteen days in all), until such payment or other settlement satisfactory to said employee, is made: *Provided*, That if any employee having such a contract as is above defined, gives not less than five days' written notice to his employer of his intention to quit such employment, the wages of the employee giving such notice shall become due at the usual place of payment twenty-four hours after he so quits or resigns, and payment thereof may be demanded accordingly, and the penalty herein provided shall apply in such case from the date of such demand: *Provided further*, That if the employer disputes the amount of wages claimed by such employee under the provisions of this, or the preceding section, and the employer in such case makes a legal tender of the amount which he in good faith claims to be due, he shall not be liable for any sum greater than the amount so tendered and interest thereon at the legal rate, unless, in an action brought in a court having jurisdiction, such employee recovers a greater sum than the amount so tendered with such interest thereon; and if, in such suit, said employee fails to recover a greater sum than that so tendered with such interest as aforesaid, he shall pay the cost of such suit; otherwise the cost thereof shall be paid by said employer: *Provided further*, That in case where such discharged or quitting employee was during his employment intrusted with the collection, disbursement, or handling of money or property, the employer shall have ten secular days after the termination of the employment, to audit and adjust the accounts of such employee before his or her wages shall become due and payable, and the penalty herein provided shall apply in such case only from the date of demand made after the expiration of such period allowed for such audit and adjustment; and if, upon such audit and adjustment of said accounts of such employee, it is found that any money or property intrusted to him by his employer has not been properly accounted for or paid over to the employer, as provided by the terms of the contract of employment, such employee shall not be entitled to the benefit of this act, but the claim for earned and unpaid wages of such employee, if any, shall be disposed of as provided by existing law.

SEC. 3. *Absent, etc., employees.*—No such servant or employee who secretes or absents himself to avoid payment to him, or refuses to receive the same when fully tendered, shall be entitled to any benefit under this act for such time as he so avoids payment: *Provided*, When any number of employees enter upon a strike, the wages due such striking employees at the time of entering upon such strike shall not become due until the next regular pay day after the commencement of such strike.

SEC. 4. *Exceptions.*—This act shall not be construed to apply to any person employed exclusively as a farm laborer, nor to any employer or an individual,

copartnership, or corporation that is bankrupt, or where a receiver or trustee is acting under the direction of the court. Payment or tender by check drawn on a bank situated in the county where a laborer is employed shall be a sufficient payment or tender to comply with the provisions of this act.

SEC. 5. *Costs.*—In any action by any such employee as is described in this act, for the recovery of unpaid wages after the time when such wages shall have become due, as herein provided, there shall be allowed to the plaintiff, and included in any judgment rendered in his favor, in addition to his disbursement allowed by law, if the judgment be recovered in a justice court, five dollars cost, and a like sum if the judgment be recovered in a municipal court and such plaintiff shall be allowed double statutory costs in any such action in any court in which statutory costs are now allowed by law in ordinary actions.

CHAPTER 388.—*Accident, etc., insurance—Deductions from wages of employees*

SECTION 1. *License required.*—From and after the first day of July, 1919, no employer shall, by agreement with his employees or otherwise, make deductions from their wages for the purpose of furnishing them with medical or hospital care, accident, sickness, or old age insurance or benefits, either directly or through a mutual association, unless he has first received from the commissioner of insurance of this State a license for the benefit plan he operates or proposes to operate. Such license shall be granted by the commissioner of insurance only when he is satisfied that the benefits given are commensurate with the charges made, and that the said charges are sufficient to keep the fund solvent. All such licenses shall be for the period of one year and it shall be proper for the commissioner to require a statement of the operation of the fund, on a form to be prescribed by him before granting a renewal. The fee for any license granted under this act shall be one dollar (\$1) and the fee for filing the annual statement one dollar (\$1): *Provided*, That in any case before granting a license the commissioner of insurance shall submit the proposed plan to the commissioner of labor and industries in order that he may determine whether the benefits are in conjunction with benefits under the workmen's compensation act and take such action as is required by section 8227, General Statute of 1913, as amended by section 15, chapter 209, General Laws of 1915 [relating to the insurance of risks by employers under the compensation act].

SEC. 2. *Violations.*—Any person, firm, corporation, or association that makes deductions from the wages of his, their, or its employees in violation of section 1 of this act shall be deemed guilty of a misdemeanor: *Provided*, That this act shall not apply to railroad companies engaged in interstate commerce.

MISSISSIPPI

CODE OF 1906

Payment of wages due deceased employees

SECTION 2133 (as amended 1920, ch. 304). *Amount of wages.*—When any person, male or female, shall die leaving wages due him [or her] to an amount not exceeding three hundred dollars, it shall be lawful for the debtor after sixty days to pay said wages to the wife or husband, as the case may be, of said deceased creditor, if he or she leaves a wife or husband, as the case may be, surviving him or her; and if he or she shall leave no wife or husband, as the case may be surviving him or her, then to his or her children, if adults; and if he or she shall leave no children and no wife or husband surviving him or her, then to his or her mother, and if [he or she] shall leave no wife or husband or children or mother surviving him or her, then to his or her father; and if he or she shall leave no wife or children or husband or mother or father surviving him or her, then to his or her brothers and sisters, if adults; and if such creditor shall have left no wife, husband, or children nor brothers nor sisters, nor father nor mother surviving him or her, or if any of his or her children surviving him or her shall be minors, or if any of his or her brothers or sisters surviving him or her entitled to inherit shall be minors, then it shall be lawful for said debtor to pay said wages to the chancery clerk of the county in which said creditor resided at the time of his or her death, or of the county where he or she died.

[The following sections 2 and 3 of chapter 3041, Acts of 1920, refer to the foregoing section 2133:]

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

SEC. 3. *Exemptions*.—This act shall not apply in cases where the estate of deceased creditors is administered upon.

SEC. 2134. *Distribution*.—[Where the wages are paid to the chancery clerk as above provided, distribution thereof is to be made to adult next of kin, and a report made to the court of the minors entitled to shares, to whom payment is to be made under orders of the court.]

Exemption of wages from garnishment

SECTION. 2139. *Amount exempt*.—[Wages due the head of a family, to the amount of \$50 per month, are exempt from garnishment or other legal process except for debts or judgments for board or lodging.]

ACTS OF 1914

CHAPTER 138.—*Payment of wages—Discounting checks, etc.*

SECTION 1. *Discounting prohibited*.—Every person, company, association, partnership, manufacturing company or railroad company now existing or hereafter organized in this State, engaged in employing labor for manufacturing purposes, or any railroad within this State shall be prohibited from discounting any trade check, coupons or other written instrument issued for the payment of such labor, and it shall be unlawful for any person, partnership, corporation or trade establishment purchasing said trade checks, coupons, or other instruments issued for the payment of such labor to discount the same, and any person, partnership, corporation, trade establishment purchasing the same at a discount, or any company, corporation, railroad, or other person issuing said checks, coupons or other written instruments, and who shall discount the same in settlement with the employees shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars, and not more than fifty dollars for each offense.

SEC. 2. *Scrip to be redeemed*.—All persons, firms, corporations engaged in manufacturing, issuing trade checks, coupons or other instruments of writing in payment for labor, shall on or after the regular pay day cash said check, or checks, so issued at their face value less any amount that may be due by the party to whom issued, and any such person, firm, corporation so engaged in manufacturing, failing to settle such claim as herein required, shall be liable to pay to the holder thereof twenty-five per cent on the face of said check as damages in the event any suit or action shall be brought to enforce the payment thereof: *Provided*, That this section shall only apply when the amount claimed is one hundred dollars or less.

CHAPTER 166.—*Payment of wages—Semimonthly pay day*

SECTION 1. (as amended 1916, ch. 241). *Application of law*.—Every corporation, company, association, partnership, and individual person engaged in manufacturing of any kind in this State, employing as many as fifty or more employees, and employing public labor, and every public service corporation doing business in this State shall be required to make full payment to employees for services performed as often as once every two weeks or twice during each calendar month, or on the second and fourth Saturday, respectively, of each month, and such payment or settlement shall include all amounts due for labor or services performed up to not more than ten days previous to the time of payment, except that public service corporations shall not be required to make payment for labor or services performed up to more than fifteen days prior to the time of payment.

SEC. 2. *Violations*.—[Violations are punishable by fines, \$25 to \$250, each day's violation against each employee being a separate offense.]

MISSOURI

REVISED STATUTES—1919

Wages preferred—In administration

SECTION 181. *Rank.*—[Wage debts rank with expenses of last sickness after funeral expenses.]

Exemption of wages—Suits—Preferences

SECTION 1614. *Amount exempt.*—[Salaries and wages of the head of a family, except ten per cent thereof, are exempt from execution.]

SEC. 1618. *Wage debts.*—[No property is exempt from seizure under execution for personal services of blacksmiths, house servants or common laborers, not exceeding \$90 in amount.]

SEC. 1619. *Preference in receiverships, etc.*—[Wage debts owing to laborers or servants, not exceeding \$100 in amount, earned within 6 months preceding the seizure of the debtor's property, are to be paid first in full in cases of suspension of business by action of creditors, or of receiverships, after paying costs.]

SEC. 1743. *When wages may be attached.*—[Property and wages exempt by law may not be attached except in the case of nonresident defendants or defendants leaving the State.]

SEC. 1848. *Garnishment.*—[Employers can not be charged as garnishees for more than ten per cent of the earnings of an employee during the 30 days preceding, if the employee is the head of a family and a resident of the State.]

SECS. 1860, 1861. *Railroad employees.*—[No garnishment will issue against a railroad company on account of a wage debt of \$200 or less due an employee until after judgment, nor need the company answer interrogatories before the recovery of final judgment. This does not apply where the debt or claim sued for was contracted or accrued within the State, and the creditor is also a resident.]

SEC. 1874. *Service.*—[Wages may not be attached or garnished except after personal service on the defendant, unless the suit is brought in the county (or city of over 100,000 inhabitants) in which the defendant resides or the debt was contracted.]

SEC. 1875. *Other States.*—[Wages earned and payable outside the State are exempt where the cause of action arose outside the State unless the defendant is personally served with process.]

Assignments of wages

SECTION 2171. *Requisites.*—All assignments of wages, salaries, or earnings must be in writing, with the correct date of the assignment and the amount assigned and the name or names of the party or parties owing the wages, salaries, and earnings so assigned; and all assignments of wages, salaries, and earnings, not earned at the time the assignment is made, shall be null and void.

Payment of wages—Semimonthly pay day

SECTION 6775. *Semimonthly pay day.*—The employees of the operators of all manufactories, including plate glass manufactories, operated within this State shall be regularly paid in full of all wages due them at least once in every fifteen days, in lawful money, and at no pay day shall there be withheld from the earnings of any employee any sum to exceed the amount due him for his labor for five days next preceding any such pay day. Any such operator who fails and refuses to pay his employees, their agents, assigns or anyone duly authorized to collect such wages, as in this section provided, shall become immediately liable to any such employee, his agents or assigns for an amount double the sum due such employee at the time of such failure to pay the wages due, to be recovered by civil action in any court of competent jurisdiction within this State, and no employee, within the meaning of this section, shall be deemed to have waived any right accruing to him under this section by any contract he may make contrary to the provisions hereof.

Payment of wages of railroad employees

SECTIONS 6778-6780. *Monthly payment.*—[All persons or corporations engaged in the operation of railroads or railroad shops are required to pay wages monthly, on or before the 15th day of the month following that in which the wages were earned.] (See secs. 9802, 9803.)

Semimonthly pay day—Mines and quarries

SECTION 7463. *Scope of law.*—[Persons and corporations engaged in operating mines and quarries must pay wages once in every 15 days, no wages due to be withheld, except that mine operators may withhold not to exceed five days' pay. Noncompliance makes the offender liable in double the amount due as wages.]

Recovery of wages, etc., due from counties

SECTION 9507. *Claims for work and labor.*—If a claim against a county be for work and labor done, or material furnished in good faith by the claimant, under contract with the county authorities, or with any agent of the county lawfully authorized, the claimant, if he shall have fulfilled his contract, shall be entitled to recover the just value of such work, labor, and material, though such authorities or agent may not, in making such contract, have pursued the form of proceedings prescribed by law.

Payment of wages of employees of corporations

SECTION 9779. *Wages a prior claim.*—All corporations shall make payment to their employees and other operatives, of wages due for all labor and services performed by them, within three months next preceding a demand made therefor, not exceeding one hundred dollars, in preference to any other claim, debts, or demands whatsoever, not secured by specific liens on property; and such priority of payment may be enforced by civil action. Payment of wages shall be made on or before the fifteenth day of each month for the full amount of all wages earned previous to the first day of that month, with interest at six per centum. If not paid, to be added to the amount of said wages when paid or recovered by suit. All debts due employees or operatives for wages of their labor shall have priority of payment from the money and assets of the corporations in the hands of officers or agents, or any receiver or assignee, over every other claim not specifically secured. Every corporation, officer, agent, receiver, assignee, or person holding money or assets, refusing to recognize the priority of employees' claims, shall be liable to such employees for the amount of all loss and damages occasioned by his unlawfully withholding the money.

Contracts of employment—Reducing wages

SECTION 9782. *Notice of reduction of wages.*—Any railway, mining, express, telegraph, manufacturing, or other company or corporation doing business in this State, and desiring to reduce the wages of its employees or any of them, shall give to the employees to be affected thereby thirty days' notice thereof.

SEC. 9783. *How notice may be given.*—Such notice may be given by posting a written or printed handbill, specifying the class of employees whose wages are to be reduced and the amount of the reduction, in a conspicuous place in or about the shops, station, office, depot, or other place where said employees may be at work, or by mailing each employee a copy of said notice or handbill, and such company or corporation violating any of the provisions of the preceding section shall forfeit and pay each party affected thereby the sum of fifty dollars, to be recovered by civil action in the name of the injured party, with costs, before any court of competent jurisdiction.

Payment of wages

SECTION 9802. *Wages to be paid semimonthly.*—All corporations doing business in this State, which shall employ any mechanics, laborers, or other servants, shall pay the wages of such employees as often as semimonthly.

SEC. 9803. *Violations.*—Any corporation violating section 9802 of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars, nor more than five hundred dollars, for each offense.

SEC. 9804. *Wages due on discharge.*—Whenever any corporation doing business in this State shall discharge, with or without cause, or refuse to further employ any servant or employee thereof, the unpaid wages of any such servant or employee then earned at the contract rate, without abatement or deduction, shall be and become due and payable on the day of such discharge or refusal to longer employ; and such servant or employee may request in writing of his foreman or the keeper of his time to have the money due him, or a valid check therefor, sent to any station or office where a regular agent is kept; and if the money aforesaid, or a valid check therefor, does not reach such station or office within seven days from the date it is so requested, then as a penalty for such nonpayment the wages of such servant or employee shall continue from the date of the discharge or refusal to further employ, at the same rate until paid: *Provided*, Such wages shall not continue more than sixty days, unless an action therefor shall be commenced within that time.

SEC. 9805. *Avoiding payment.*—No such servant or employee who secretes or absents himself to avoid payment to him, or refuses to receive the same when fully tendered, shall be entitled to any benefit under this law for such time as he so avoids payment.

SEC. 9806. *Discharge.*—Any such servant or employee whose employment is for a definite period of time, and who is discharged without cause before the expiration of such time, may, in addition to the penalty prescribed by this law, have an action against any such employer for any damages he may have sustained by reason of such wrongful discharge, and such action may be joined with an action for unpaid wages and penalty.

MONTANA

REVISED CODE 1921

Payment of wages

SECTION 3084. *Semimonthly pay day.*—Every employer of labor (except agricultural labor), whether a person, copartnership, or corporation, in the State of Montana, shall pay to his employee the wages earned each and every fifteen days in lawful money of the United States, or checks on banks convertible into cash on demand full face values thereof, and all such wages shall be due and payable, and shall be paid by such persons, copartnership, or corporation not later than the fifth and twentieth day of each calendar month for all such wages earned up to and within five days of the date of such payment: *Provided, however*, That if at such time of payment any employee shall be absent from the regular place of labor, he shall be entitled to such payment at any time thereafter: *Provided further*, That this act shall not affect any person, copartnership, or corporation, foreign or domestic, who shall have already established, and shall continue to maintain, a semimonthly or weekly pay day.

SEC. 3085. *Failure to pay.*—Whenever any employer, whether a person, copartnership, or corporation, fails to pay any of his employees, as provided in the preceding section, then a penalty shall attach to such person, copartnership, or corporation, and become due such employees as follows: A sum equivalent to a penalty of five per cent of the wages due and not paid, as herein provided, as liquidated damages, and such penalty shall attach and suit may be brought in any court of competent jurisdiction to recover the same and the wages due.

SEC. 3086. *Discharged employees.*—Whenever any employee is discharged from the employ 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 the preceding section: *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.

SEC. 3087. *Penalties.*—Any employee may recover all such penalties as are provided for the violation of section 3085 of this code, which have accrued to him, at any time within six months succeeding such default or delay in the payment of such wages.

SEC. 3088. *Waivers unlawful.*—Any contract or agreement made between any person, copartnership, or corporation and any parties in his, its, or their employ, whose provision shall be in violation, evasion, or circumvention of this act, shall be unlawful and void; but such employee may sue to recover his wages earned, together with such five per cent penalty, or separately to recover the penalty, if the wages have been paid.

SEC. 3089. *Attorneys' fees.*—Whenever it shall become necessary for the employee to enter or maintain a suit at law for the recovery or collection of wages due, as provided for by this act, then such judgment shall include a reasonable attorney's fee in favor of the successful party, to be taxed as part of the costs in the case.

Employment of females—Equal pay for equal work

SECTION 3090. *Discrimination forbidden.*—It shall be unlawful for any person, firm, State, county, municipal, or school district, public or private corporation, to employ any woman or women in any occupation or calling within the State of Montana for salaries, wages, or compensation which are less than that paid to men for equivalent service or for the same amount or class of work or labor in the same industry, school, establishment, office, or place of any kind or description.

SEC. 3091. *Violations.*—[Violations are punishable by fine, \$25 to \$500 for each offense.]

Contract of employment

SECTION 7792. *Forfeiture of wages.*—An employee dismissed by his employer for good cause is not entitled to any compensation for services rendered since the last day upon which a payment became due to him under the contract.

SEC. 7793. *Proportionate compensation.*—An employee who quits the service of his employer for good cause is entitled to such proportion of the compensation which would become due in case of full performance as the services which he has already rendered bear to the services which he was to render as full performance.

SEC. 7796. *Monthly term presumed.*—In the absence of any agreement or custom as to the term of service, the time of payment, or rate or value of wages, a servant is presumed to be hired by the month, at a monthly rate of reasonable wages, to be paid when the service is performed.

Wages as preferred claims—In assignments, etc.

SECTION 8351. *Assignment.*—[Wages of miners, mechanics, salesmen, servants, clerks, or laborers to the amount of \$200 each, earned within the 60 days preceding, are to be paid before all other claims against an assignor or insolvent person.]

SEC. 8352. *Attorneys' fees.*—[A reasonable attorney's fee is to be allowed claimants if the claim is established, or the defendant if it fails.]

SEC. 8353. *Administration.*—[The same rights as in sec. 8351 are allowed in case of the death of an employer, subject to funeral expenses, expenses of last sickness, costs of administration, and the allowance to the widow and infant children.]

SECS. 8354-8356. *Attachments, etc.*—[In case of executions, attachments, etc., except for wage debts, the claims of laborers, etc., as above are a prior claim on assets, to the amount of \$200 each, earned within 60 days preceding the levy.]

SEC. 8358. *Prior mortgages.*—[All the foregoing provisions are subject to prior existing encumbrances.]

SEC. 8616. *Assignments.*—[Same as sec. 8351, but includes associations, corporations, etc., as well as persons.]

Exemption of wages

SECTION 9429. *Amount.*—[The earnings of a judgment debtor for 45 days prior to the levy are exempt from execution on a showing that they are necessary for the support of a dependent family; but if the debt was incurred for necessities, one-half such earnings are subject to execution.]

Attorneys' fees in suits for wages

SECTION 9800. *Fee allowed.*—[A reasonable attorney's fee is to be allowed if a claimant establishes a wage claim as provided in section 8351.]

Contracts of employment

SECTION 11223. *Coercion forbidden.*—It shall be unlawful for any person, firm, company, or corporation now operating or who shall hereafter operate a boarding house in connection with their general business, either directly or through others, to compel an employee to board in such boarding house against his will.

SEC. 11224. *Penalty.*—Any person, firm, company, or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars.

SEC. 11403. *Wage debts.*—Every person, company, or corporation indebted to another person for labor, or any agent of any person, copartnership, or corporation so indebted, who shall, with intent to secure from such other person a discount upon the payment of such indebtedness, willfully refuse to pay the same, or falsely deny the same, or the amount or validity thereof, or that the same is due, is guilty of a misdemeanor: *Provided, however,* That nothing herein contained shall prohibit any employer from fixing regular pay days for the payment of wages or salary earned in the calendar month immediately preceding such pay days, except in cases where the employee is discharged.

NEBRASKA

COMPILED STATUTES—1922

Wages as preferred claims—In assignments

SECTION 246. *Amount.*—[Debts for clerks' or servants' wages in an amount not exceeding \$100 may be paid or secured without being subject to the laws governing the property of assignments generally.]

Suits for wages—Homesteads not exempt

SECTION 2818. *Exception.*—The homestead is subject to execution or forced sale in satisfaction of judgments obtained:

First. On debts secured by mechanics', laborers', or vendors' liens upon the premises; * * *

Railroads—Semimonthly pay days

SECTION 5389. *Pay days established.*—Every railroad company authorized to do business by the laws of the State of Nebraska shall, on or before the first day of each month pay the employees thereof the wages earned by them during the first half of the preceding month, ending with the fifteenth day thereof, and on or before the fifteenth day of each month pay the employees thereof the wages earned by them during the last half of the preceding calendar month: *Provided, however,* That if at any time of payment any employee shall be absent from his or her regular place of labor and shall not receive his or her wages through a duly authorized representative, he or she shall be entitled to said payment at any time thereafter upon demand upon the proper paymaster at the place where such wages are usually paid and at the place where the next pay is due; any such railroad company which shall violate any of the provisions of this act shall forfeit and pay the sum of \$25 for each violation of this act which shall be proved, to be recovered in any court of competent jurisdiction by any person who shall sue for the same; one half of said penalty to go to said person so suing therefor, and the other half to go to the State: *Provided further,* Complaint of such violation be made within sixty days from the date such wages become payable, according to the tenor of this act.

SEC. 5390. *Agreements forbidden.*—It shall not be lawful for any railroad company to enter into or make any agreement with any employee for the payment of wages of any such employee otherwise than as provided in section one of this act, except it be to pay such wages at shorter intervals than here-

in provided. Every agreement made in violation of this act shall be deemed to be null and void, and it shall not be a defense to the suit for a penalty provided for in section one of this act; and each and every employee with whom any agreement in violation of this act shall be made by such railroad company shall have his or her action and right of action against such railroad company for the full amount of his or her wages in any court of competent jurisdiction of this State.

Suits for wages—Exemptions

SECTION 9040. *No exemption, when.*—[No property is exempt from execution, etc., for wages of clerks, laborers, or mechanics.]

SEC. 9041. *Wages.*—[Wages of heads of families in hands of employer are exempt from garnishment, etc., to extent of 90 per cent thereof, unless the debtor is about to abscond or leave the State.]

SEC. 9043. *Avoiding exemption law.*—[Assigning or transferring accounts against a laborer, etc., or instituting or prosecuting a claim against him seeking to seize wages earned 60 days prior to the proceedings, with the intent of avoiding the effect of the exemption laws, is forbidden.]

SEC. 9056. *Amount exempt.*—[The earnings of a judgment debtor for 3 months prior to the order for execution are exempt therefrom if it appears that they are necessary for the support of a family.]

NEVADA

REVISED LAWS—1912, 1919

Wages as preferred claims—In bankruptcy

SECTION 606. *Wages preferred.*—[Wages due workmen, clerks or servants, earned within 3 months before the commencement of proceedings, not over \$300 to each, are payable next after costs of preserving the estate, filing fees, and costs of administration, allowing but one attorney's fee.]

SEC. 1187. *Lien in bankruptcy.*—[Employees have a lien on the assets of an insolvent or otherwise dissolved corporation, for two months' wages, to be paid prior to any other debt; but this does not apply to any of the officers.]

Payment of wages in scrip

SECTION 1939. *Orders, etc., to be negotiable.*—No person or corporation engaged in any business or enterprise of any kind in this State shall issue in payment or as evidence of any indebtedness for wages due an employee any order, check, memorandum, or other acknowledgment of indebtedness unless the same is a negotiable instrument payable without discount in cash on demand at some bank or other established place of business: *Provided, however,* That nothing herein contained shall in any way limit or interfere with the right of any such employee, by agreement, to accept from any such person or corporation, as an evidence or acknowledgment of indebtedness for wages due him, a negotiable instrument payable at some future date with interest.

SEC. 1940. *Penalty.*—Any violation of this act [secs. 1939-1940] shall be a misdemeanor or [and] punishable by a fine of not exceeding \$500.

Forced contributions from employees

SECTION 1943. *Fees not to be collected, when.*—It is hereby made unlawful for any person or persons, contractor or contractors, firm, company, corporation, or association, or the managing agent of any person or persons, contractor or contractors, firm, company, corporation, or association, to collect, demand, force, compel, or require, either monthly, annually, or for any other period of time, any sum of money for hospital fees from any person or laborer at any place in this State where no convenient, comfortable, and well-equipped hospital is maintained at some town or place for the accommodation, relief, and treatment of persons in his or their employ, and from whom hospital fees are collected: *Provided,* That any person or persons, contractor or contractors, firm, company, corporation, or association, or the managing agent of same, may care for, or cause to be cared for, any person in his or their employ from whom hospital fees are collected at any private or public hospital, sanitarium, or

other convenient and comfortable place without expense to the person or patient from whom hospital fees are collected: *And provided further*, The distance and facilities for the comfort and conveyance of any patient come within the intent and meaning of section two of this act [sec. 1944].

SEC. 1944. *Definitions.*—For the purpose of this act [secs. 1943–1945] the words “town or place,” mentioned in section one of this act [sec. 1943], shall be construed to mean any town, headquarters, or place, at which town, headquarters, or place, and tributary places, sufficient hospital fees are collected to maintain a hospital in keeping with the hospital fees collected, and the words “distance and facilities for the comfort and conveyance of any patient,” mentioned in section one of this act [sec. 1943], shall be construed to mean the nearest hospital and most comfortable means of conveyance at hand or that can be procured in a reasonable time: *Provided*, That if at the nearest hospital the proper medical treatment can not be secured, then it shall not be a misdemeanor to take any person or patient a greater distance or to another hospital.

SEC. 1945. *Violations.*—[Violations are punishable by fines, not less than \$200 nor more than \$500, or by imprisonment not less than 100 days nor more than 250 days, or both.]

Exemption of wages from execution

SECTION 5288. *Exemption of wages.*—[Earnings of a judgment debtor for 30 days prior to the attachment, etc., are exempt if required for the support of his family resident in the State; but if the debt is for the common necessities of life, or if the debtor has no family in the State, one-half such earnings may be seized.]

Wages as preferred claims—In assignments, etc.

SECTION 5493. *Assignments.*—[Where the property of an insolvent employer is assigned, debts owing miners, mechanics, salesmen, servants, clerks or laborers are preferred claims for wages earned within 90 days prior to the assignment, not exceeding \$200 each.]

SEC. 5494. *Executions, etc.*—[Where the property of an employer is taken on execution, attachment, etc., wages as above are preferred, subject to homestead claims or prior mortgages or liens.]

Wages as preferred claims—In administration

SECTION 6145. *Wages preferred.*—[Earnings for 90 days next preceding the death of an employer rank next after funeral expenses, costs of administration, and the allowance to the widow and infant children.]

Payment of wages—Discounting

SECTION 6788. *Discounting time checks.*—Whenever any person or persons, firm, corporation, or association whether acting as principal or agent, contractor or subcontractor, shall hire or employ any other person or persons, for the performance of any labor, or service, and shall issue to such person or persons time checks for the labor or service performed, it shall be unlawful for the person or persons, firm, corporation, or association, issuing such time checks to discount the same or deduct therefrom any portion of the same as such discount.

SEC. 6789. *Violations.*—[Fines of from \$50 to \$300, or imprisonment 30 days to 6 months, or both, are penalties for violations.]

SEC. 6790. *Application of law.*—Nothing in the two next preceding sections shall apply to persons, firms, associations, or corporations, making discounts, deductions or pro rata payments in the course of bankruptcy or insolvency proceedings, or in the settlement of the estates of deceased persons.

Protection of employees as traders, etc.

SECTION 6791. *Coercion as to trading or boarding.*—Any person or persons, employer, company, corporation, or association, or the managing agent of any person or persons, employer, company, corporation, or association, doing or conducting business in this State, who by coercion, intimidation, threats, or undue influence, compels or induces his or her employees to trade at any particu-

lar store, or board at any particular boarding house, in this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days, nor more than one hundred days, or by both such fine and imprisonment.

REVISED LAWS—VOL. 3—1919

Payment of wages—Semimonthly pay day

(Page 2775. Acts 1919, ch. 71)

SECTION 1. *Payment prescribed.*—All wages or compensation of employees in private employments shall be due and payable semimonthly, that is to say, all such wages or compensation earned and unpaid prior to the first day of any month, shall be due and payable not later than the fifteenth day of the month following that in which such wages or compensation were earned; and all wages or compensation earned and unpaid prior to the sixteenth day of any month shall be due and payable not later than the last day of the same month; but nothing contained herein shall be construed as prohibiting the contracting for the payment or of the payment of wages at more frequent periods than semimonthly. Every agreement made in violation of this section, except as hereinafter provided, shall be null and void; except any employee shall be entitled to payment of such wages or compensation for the period during which the same were earned.

The words "private employments," used in this act, shall mean all employments other than those under the direction, management, supervision, and control of this State or any county, city, or town therein, or any office or department thereof.

Sec. 2. *Termination of employment.*—Whenever an employer discharges an employe, the wages and compensation earned and unpaid at the time of such discharge shall become due and payable immediately; but whenever an employe resigns or quits his employment, the wages and compensation earned and unpaid at the time of such resignation or quitting, shall be paid within twenty-four hours after a demand therefor.

Should any employer fail to pay within three (3) days after the same shall become due and payable, under the provisions of this act, any wages or compensation, without deduction, of any employee, who is discharged from or who resigns or quits his employment, then as a penalty for such nonpayment of such wages or compensation, the same shall continue from the date of the cessation of employment at the same rate until paid: *Provided*, In no case shall such wages or compensation continue for more than thirty (30) days: *And provided further*, Any employee who secretes or absents himself to avoid payment of such wages or compensation, or refuses to accept the same when fully tendered to him, shall not be entitled to the payment thereof for such time as he so secretes or absents himself to avoid such payment.

Sec. 3. *Notices.*—Every employer shall establish and maintain regular pay days as herein provided and shall post and maintain posted notices printed in plain type or written in plain script in at least two (2) conspicuous places where such notices can be seen by the employees, setting forth the regular pay days as herein prescribed and place of payment, which shall be within the justice court precinct in which such services were performed.

In case an employee shall be absent at the time and place of the payment of such wages or compensation, due and payable as herein prescribed, provided he does not secrete or absent himself to avoid such payment as aforesaid, he shall be paid the same within five (5) days after making written demand therefor.

The payment of such wages or compensation shall be made in lawful money of the United States, or by a good and valuable negotiable check or draft payable on presentation thereof at some bank or established place of business without discount in lawful money of the United States, and not otherwise, and shall be payable at the place designated in the notice prescribed herein.

Sec. 4. *Deductions.*—Nothing in this act shall be so construed as to preclude the withholding from the wages or compensation of any employee any dues, rates or assessments becoming due to any hospital association, or to any relief, savings, or other department or association, maintained by the employer or

employees for the benefit of the employees, or poll tax, or other deductions authorized by written order of an employer: *Provided*, At the time of payment of such wages or compensation, such employee shall be furnished by the employer an itemized list showing the respective deductions made from the total amount of such wages or compensation.

SEC. 5. *Provisions severable*.—Should any provision of this act be judicially decreed, or declared null or void, the remaining provision thereof shall not be affected thereby, but the same shall be given full force and effect.

SEC. 6. (as amended 1925, ch. 160). *Violations*.—[Violations of this act entail a forfeiture of not less than \$50, in the discretion of the court, to a fund for the support of the office of the labor commissioner, the same to be recovered by him in a civil action.]

SEC. 7. *Enforcement*.—It shall be the duty of the labor commissioner to cause this act to be duly enforced, and upon notice from him the district attorney of any county in which a violation of this act has occurred, shall prosecute the same according to law.

SEC. 8. *Waivers*.—Nothing in this bill, however, shall be so construed as to mean that any special occasion where it appears to be satisfactory and beneficial to both employer and employee, that they shall not have the right to agree either verbally or in writing, as to where and at what time, other than every fifteen days, wages shall be paid: *Provided*, That it shall be unlawful for any employer to require any employee to enter any such agreement as a condition to entering into or remaining in his service.

Labor commissioner—Collection of wage, etc., claims

(Page 3083. Acts 1915, ch. 203)

SECTION 4 (as amended 1921, ch. 138). *Duties of commissioner*.—Said [labor] commissioner shall inform himself of all laws of the State for the protection of life and limb in any of the industries of the State, all laws regulating the hours of labor, the employment of minors, the payment of wages, and all other laws enacted for the protection and benefit of employees, and shall have the power and authority, when in his judgment he deems it necessary, to take assignment of wage claims and prosecute actions for collection of wages and other demands of persons who are financially unable to employ a counsel in cases in which, in the judgment of the commissioner, the claims for wages are valid and enforceable in the courts; and it shall be the duty of said labor commissioner to enforce all labor laws of the State of Nevada, the enforcement of which is not specifically and exclusively vested in any other officer, board, or commission, and whenever after due inquiry he shall be satisfied that any such law has been violated, or that persons financially unable to employ a counsel have a valid and enforceable claim for wages or other demand, he shall present the facts to the district attorney of the county in which such violation occurred or wage claim accrued, and it shall be the duty of such district attorney to prosecute the same.

SEC. 4½ (added 1925, ch. 95). *Expense fund*.—For the purpose of paying the expenses of civil actions where claims are assigned to the commissioner of labor as provided in the preceding section, there is hereby created a trust fund to be known as the contingent fund of the commissioner of labor. It is the object of the legislature that this fund shall be self-sustaining and for that purpose costs shall be allowed to the commissioner of labor by the courts as in other civil cases. In all cases where the amount of the claim exceeds the sum of three hundred (\$300) dollars the prevailing party shall, when a judgment is rendered in his favor, be allowed a reasonable attorney's fee, the same to be fixed by the district judge before whom the case is tried, and the same shall be taxed as costs in addition to other costs in the case. A reasonable percentage of the amount recovered of each assigned claim shall be placed in such fund, the amount to be agreed upon by the claimant and the commissioner of labor or his representative. For the purpose of carrying out the provisions of this section the sum of five hundred (\$500) dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated to be placed to the credit of said fund as a temporary loan. Such loan shall be repaid to the State treasurer by applying any accumulation above five hundred dollars which may be found in said fund on the thirty-first day of December, 1925, and annually thereafter until fully repaid.

ACTS OF 1925

CHAPTER 139.—*Payment of wages on termination of employment*

SECTION 1. Damages for nonpayment.—Whenever an employer of labor shall hereafter discharge or lay off his or its employees without first paying them the amount of any wages or salary then due them, in cash, lawful money of the United States, or its equivalent, or shall fail, or refuse on demand, to pay them in like money, or its equivalent, the amount of any wages or salary at the time the same becomes due and owing to them under their contract of employment, whether employed by the hour, day, week or month, each of his or its employees may charge and collect wages in the sum agreed upon in the contract of employment for each day his employer is in default, until he is paid in full, without rendering any service therefor: *Provided, however,* He shall cease to draw such wages or salary thirty days after such default.

SEC. 2. Lien.—Every employee shall have a lien as provided in an act entitled "An act to secure liens to mechanics and others, and to repeal all acts in relation thereto," approved March 2, 1875, as amended by chapter 41, Statutes of 1919, and all other rights and remedies for the protection and enforcement of such salary or wages as he would have been entitled to had he rendered services therefor in manner as last employed.

CHAPTER 140.—*Suits for wages—Attorney's fee*

SECTION 1. Fee allowed.—Whenever a mechanic, artisan, miner, laborer, servant or employee shall have cause to bring suit for wages earned and due according to the terms of his employment, and shall establish by decision of the court or verdict of the jury that the amount for which he has brought suit is justly due, and that a demand has been made, in writing, at least five days before suit was brought, for a sum not to exceed the amount so found due, it shall be the duty of the court, before which the case shall be tried, to allow to the plaintiff a reasonable attorney fee, in addition to the amount found due for wages and penalties, to be taxed as costs of suit.

NEW HAMPSHIRE

PUBLIC STATUTES—1891

CHAPTER 180.—*Payment of wages—Weekly pay day*

SECTION 21 (as amended 1921, ch. 68). *Scope of law.*—Every person, firm, or corporation engaged in the business of manufacturing, mining, quarrying, or stonecutting, or in a mercantile, railroad, telegraph, telephone, express, or aqueduct business, and every municipal corporation, having in his or its employment more than ten persons at one time, shall pay the wages earned each week by employees who work by the day or week, within eight days, including Sunday, after the expiration of the week. Every such person, firm, or corporation shall post a notice in a conspicuous place in his or its office that wages will be so paid, and shall keep the same so posted. This act shall not apply to employees engaged in the cutting, harvesting, and driving of pulp wood and timber.

SEC. 22 (as amended 1921, ch. 68). *Penalty.*—If any such person, firm, or corporation shall violate the provisions of the preceding section, he or it shall be fined not more than \$25 for each offense, provided a prosecution therefor is begun within 30 days after the offense is committed, but not otherwise.

SEC. 23. Exemptions.—The provisions of the two preceding sections shall not apply to municipal officers whose services are paid for by the day, nor to teachers employed by school districts.

CHAPTER 201.—*Wages as preferred claims—In assignments*

SECTION 32. Amount.—[Wage debts in the sum of \$50 earned within six months prior to the beginning of insolvency proceedings are to be paid next after debts due the United States, and taxes.]

CHAPTER 215.—*Assignments of wages—Future earnings*

SECTION 4. *Assignments not valid unless filed.*—No assignment of, or order for, wages to be earned in the future shall be valid against a creditor of the person making it, until it has been accepted in writing and a copy of it and of the acceptance has been filed with the clerk of the town or city where the party making it resides. The clerks of towns and cities shall keep for public inspection an alphabetical list of all such orders and assignments filed with them.

CHAPTER 245.—*Exemption of wages from execution*

SECTION 20. *What exempt.*—[Exempt from process are: Wages earned after the service of the writ; wages to the amount of \$20 earned before the service of the writ, unless it is for necessities; and earnings of the wife and minor children of the defendant.]

ACTS OF 1911

CHAPTER 78.—*Payment of wages*

SECTION 1 (as amended 1921, ch. 68). *Weekly payments in cash.*—Weekly payment of wages by every person, firm, or corporation engaged in the business of manufacturing, mining, quarrying, or stonemasonry, or in a mercantile, railroad, telegraph, telephone, express, or aqueduct business, and every municipal corporation, as contemplated by section 21, chapter 180 of the Public Statutes * * * shall be made in cash, and no employee shall be compelled by his employer to accept any goods or merchandise in payment of wages.

SEC. 2. *Checks permitted.*—Nothing in the preceding section shall be held to invalidate or prevent payment of wages by check or checks wherever such form of payment is acceptable to the employee to whom payment is made.

ACTS OF 1913

CHAPTER 38.—*Payment of wages—Biweekly pay day—Public employees*

SECTION 1. *Biweekly payments.*—All persons performing regular work in the service of the State of New Hampshire who are not under salary shall receive their wages in biweekly payments.

NEW JERSEY

COMPILED STATUTES—1910

Wages as preferred claims—In assignments

(Page 118)

SECTION 10. *Amount.*—[Wages of clerks, mechanics, and laborers earned or due at the time of the employer's assignment are preferred up to \$300 each.]

Exemption of wages from attachment

(Page 132)

SECTION 1. *Nonresidents.*—[Wages of a nonresident employee can not be attached in this State on the suit of a nonresident creditor when the law of the State of residence gives an exemption.]

Wages as preferred claims—In insolvency of corporations

(Page 1650)

SECTION 83. *Rank.*—[Laborers and workmen and all persons doing service of any kind have a first lien on the assets of an insolvent corporation for work done in the two months prior to proceedings begun.]

SEC. 84. *Same.*—[Such liens are subordinate to prior recorded chattel mortgages and to chattel mortgages recorded within the two months for money loaned or goods purchased during said period; also to mortgages on the real estate.]

Employment of labor—Notice of discharge

(Page 3039)

SECTION 79. *Notice of discharge to be given, when.*—Whenever any operative in any mill, factory, or other manufacturing establishment shall contract or agree with his or her employer, or the agent of such employer, to forfeit any part of his or her wages or pay in case he or she shall quit work or service in such mill, factory, or manufacturing establishment, without giving a certain specified notice of intention so to do, such operative shall, before being discharged from such work or service, be given notice thereof for the same length of time as that of the notice required of him or her as aforesaid, and in default of such notice, shall receive wages or pay for the same length of time for which his or her wages or pay would have been forfeited in case he or she had quit such work or service without notice as aforesaid; and whenever, in such a case, the wages or pay of such operative shall not be a fixed sum, as for instance, so much per day or week, then the wages or pay to be so received by such operative shall be the amount he or she might ordinarily have earned in the time for which such notice should have been given; and such operative, upon making demand for such wages or pay, and a refusal to pay the same, shall be entitled to sue for and recover the same, the same as if it was due under an express contract; and if he or she shall recover judgment in such suit for such wages or pay, or for a larger amount than had been tendered him or her in case a tender had been made, then he or she shall be allowed as part of the costs thereof, an attorney's fee, to be fixed by the court, and in case the defendant shall appeal from such judgment, and shall not be successful on such appeal, then such operative shall be allowed, as part of the costs of such appeal, an additional attorney's fee, to be fixed by the court: *Provided, however,* That such operative shall not be entitled to receive or recover such wages or pay in consequence of having been discharged without notice as aforesaid, if he or she, by his or her misconduct in or about such work or service, or incompetency to perform properly such work or service, shall have given or afforded sufficient cause for such discharge.

Wages as preferred claims—In executions, etc.

(Page 3044)

SECTION 94. *Wages to be paid.*—[In case of execution, etc., affecting goods or chattels of an employer, the same shall not be removed until the wages of operatives and employees, not exceeding two months, have been paid by or at the instance of the suitor.]

SEC. 95. *Sale of goods.*—[The sheriff or other officer may not remove goods by virtue of any execution or attachment without first paying wages, as above.]

SEC. 96. *Receiverships.*—[If the goods of any manufacturer are put in the hands of a receiver in the course of a legal action on petition of employee's claim for wages for labor thereon, so much of such goods as may be necessary to meet such verified claims must be sold without delay in preference to the claims of any other creditor.]

Payment of wages—Company stores

(Page 3044)

SECTION 101 (as amended 1919, ch. 182). *Orders, etc., to be redeemable.*—It shall not be lawful for any person or corporation in this State to issue, for payment of labor, any order or other paper whatsoever, unless the same is negotiable and purport to be redeemable for its face value at sight in lawful money of the United States, by the person giving or issuing the same: *And provided, however,* Nothing in this act contained shall prevent any private individual from giving any orders for goods and merchandise on any store in which such private individual has no interest, directly or indirectly, in the profits or business.

SEC. 105. *Attempting to control trade.*—It shall not be lawful for any manufacturer, firm, company, or corporation, their agents, clerks, or superintendents, in this State, who own or control a store for the sale of general store goods or merchandise in connection with their manufacturing or other business, to attempt to control their employees or laborers in the purchase of store goods and

supplies at the aforesaid store by withholding the payment of wages longer than the usual time of payment, whereby the employee would be compelled to purchase supplies at said manufacturer's, firm's, company's, or corporation store.

SEC. 106. *Violations.*—[Penalty for violations is a fine not exceeding \$100, with costs of suit, for each offense.]

SEC. 109. *Contracts for retention of wages.*—It shall not be lawful for any corporation doing business in this State to require workmen, laborers or other employees, in their contract of employment, or prior or subsequent thereto, to sign a written consent for said corporation to retain or keep back any part of their wages when due, under pretense of investing the same or establishing a fund for the relief or assistance of such workmen, laborers, or other employees when sick or otherwise disabled.

SEC. 110. *Retention of wages without consent.*—It shall not be lawful for any corporation of this State, or any corporation doing business in this State, to retain or keep back any part of the wages due their workmen, laborers, or other employees, without the free and voluntary consent of such workmen, laborers or employees, under pretense of assisting, relieving, or maintaining said employees when sick or otherwise disabled.

SEC. 111. *Diversions are against public policy.*—All such diversions of the wages of the employees without the free and voluntary consent of such workmen, laborers, or employees of corporations aforesaid when due from the use, possession or control of said employees, to the control or possession of said corporation for the pretended use or benefit of said employees, shall be adjudged by the courts of this State to be against public policy.

SEC. 112. *Violations.*—[Violations of sections 109, 110, incur fine not to exceed \$200, or imprisonment not exceeding 6 months, or both.]

SEC. 113. *Discounting claims for wages.*—It shall not be lawful for any person or persons to purchase or have assigned to him or them any pay or wages due, or to become due, to any laborer or employee of any corporation or individual or individuals doing business in this State, for any work or labor to be rendered by such laborer or employee of any such corporation or individual or individuals, upon which such person or persons so purchasing or having assigned to him or them shall directly or indirectly have received, or contracted to receive, from such laborer or employee, more than the legal rate of interest established by the laws of this State upon the amount of such pay or wages due, or to become due, so purchased or assigned.

SEC. 114. *Penalty.*—Any person or persons violating the first section [sec. 113] of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding \$500, at the discretion of the court: *Provided, however,* That this act shall not apply to any assignment of such pay or wages, made for the payment of any goods, wares or merchandise sold to such employee for the full value, or for any professional service rendered to such laborer or employee mentioned in such assignment.

SEC. 123. *Biweekly pay day.*—Every person, firm, association, or partnership doing business in this State, and every corporation organized under or acting by virtue of or governed by the provisions of an act entitled "An act concerning corporations" (revision of 1896), in this State, shall pay at least every two weeks, in lawful money of the United States, to each and every employee engaged in his, their, or its business, or to the duly authorized representative of such employee, the full amount of wages earned and unpaid in lawful money to such employee, up to within 12 days of such payment: *Provided, however,* That if at any time of payment, any employee shall be absent from his or her regular place of labor and shall not receive his or her wages through a duly authorized representative, he or she shall be entitled to said payment at any time thereafter upon demand; any employer or employers as aforesaid who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25 and not more than \$100 for each and every offense, at the discretion of the court: *Provided,* Complaint of such violation be made within 60 days from the day such wages become payable according to the tenor of this act; the provisions of this section shall not apply to any employee or employees engaged in agricultural work or as watermen.

SEC. 124. *Contracts in violation of act.*—It shall not be lawful for any such person, firm, association, partnership, or corporation, as aforesaid, to enter into or make any agreement with any employee for the payment of the wages of any such employee otherwise than is provided in section 1 [section 123]

of this act, except it be to pay such wages at shorter intervals than every two weeks; every agreement made in violation of this act shall be deemed to be null and void, and the penalties provided for in section 1 hereof may be enforced notwithstanding such agreement; and each and every employee with whom any agreement in violation of this act shall be made by any such person, firm, association, partnership, corporation, or the agent or agents thereof, shall have his or her action and rights of action against any such person, firm, association, partnership, or corporation, for the full amount of his or her wages in any court of competent jurisdiction in this State.

Sec. 125. Enforcement.—The department of labor of this State shall be and hereby is authorized and directed to enforce the provisions of this act [sections 123–125] and the commissioner of labor shall make complaint against any employer or employers who neglect to comply with the provisions of this act for a period of two weeks after having been notified in writing by said commissioner of labor of the violation of this act; and it is hereby made the duty of county prosecutors of the pleas of the various counties in this State, to appear in behalf of the department of labor in all proceedings brought herein by the commissioner of labor.

Sec. 126. To whom wages of deceased employees may be paid.—It shall be lawful for any employer in this State, at any time not less than 30 days after the death of an employee, to pay all wages due such deceased employee to the wife, child or children, father or mother, sister or brother (preference being given in the order named) of the deceased employee, without requiring letters of administration to be issued upon the estate of said deceased employee, where such wages do not exceed \$75 in amount: *Provided, however,* That if such deceased employee shall not leave a wife, child or children, father, mother, sister, or brother surviving him, then it shall be lawful for said employer to pay the wages due such deceased employee, first, to the undertaker for his services, such sum as shall be due him and, second, the residue, if any, to physician, boarding-house keeper, and nurse, pro rata, upon a bill furnished duly verified by affidavit.

Sec. 127. Release.—The payment of such wages shall be a full discharge and release to the employer from the wages so due and paid.

Wages as preferred claims—In receiverships of railroads

(Page 4256)

SECTION 86. Amount.—[In case of the receivership of a railroad, unencumbered personal effects not required in the operation of the road and all moneys put in the receiver's hands at the time of his appointment may be applied to the payment of wages due, not exceeding wages for two months.]

ACTS OF 1911

CHAPTER 88.—Payment of wages—Semimonthly pay day—Employees of counties

SECTION 1. Scope of law.—All county employees in counties of the first class of this State shall be paid semimonthly.

CHAPTER 371.—Payment of wages—Semimonthly pay day—Railroads

SECTION 1. Times of payment prescribed.—Every railroad company authorized to do business by the laws of the State of New Jersey shall, on or before the first day of each month, pay the employees thereof the wages earned by them during the first half of the preceding month ending with the 15th day thereof, and on or before the 15th day of each month pay the employees thereof the wages earned by them during the last half of the preceding calendar month: *Provided, however,* That if at any time of payment any employee shall be absent from his or her regular place of labor, and shall not receive his or her wages through a duly authorized representative, he or she shall be entitled to said payment at any time thereafter upon demand upon the proper paymaster at the place where such wages are usually paid and at the place when the next pay is due; any such railroad company which shall violate any of the provisions of this act shall forfeit and pay the sum of \$25 for each violation of this act which shall be proved, to be recovered in any court of competent jurisdiction by any person who shall sue for the same,

one-half of said penalty to go to said person so suing therefor, and the other half to go to the State: *Provided, further*, Complaint of such violation be made within 60 days from the date such wages become payable, according to the tenor of this act.

SEC. 2. *Contracts waiving rights.*—[Contracts waiving rights are forbidden and void, except that agreements to pay wages at shorter intervals are permitted.]

ACTS OF 1912

CHAPTER 202.—*Suits for wages*

SECTION 1.—*Costs remitted, when.*—In any suit based upon a claim for money due for wages or by reason of a claim for personal services rendered, the party bringing said suit, where the amount claimed shall not exceed the sum of twenty (\$20) dollars, it shall be the duty of the clerk of any district court of this State, to issue the summons, prepare and file the state of demand and of the sergeant at arms of said court to serve the said summons without payment by the party bringing said action of any costs therefor: *Provided*, That said party shall make affidavit of the truth of his said claim and of his inability to pay the cost ordinarily taxed thereon.

SEC. 2. *Costs.*—The judge of the said district court may in his discretion upon the entering of judgment in such cases, order that the costs shall not be taxed thereon * * *

ACTS OF 1915

CHAPTER 266.—*Exemption of wages from execution*

SECTION 1. *Amount.*—[If wages to the amount of \$18 per week or more are due or owned by a judgment debtor, his judgment creditor may secure a continuing order for the payment of 10 per cent of such wages on the debt until discharged, with costs. If wages exceed \$1,000 per annum, a larger percentage may be levied; but only one such execution may be enforced at one time.]

SEC. 2. *Duty of employer.*—[It is the duty of the employer to pay the percentage prescribed to the officer presenting the execution until the judgment is satisfied.]

ACTS OF 1924

CHAPTER 70.—*Group insurance of public employees*

SECTION 1. *Deductions for premiums.*—In any municipality or county of this State where the employees of the said municipality or county have formed or may hereafter form themselves into groups, for the purpose of obtaining the advantages of the group plan of life insurance, in any one of the plans now in vogue or any plan which may hereafter be inaugurated, it shall be lawful for the governing body of the said municipality or county, when written petitions and authorizations signed by the employees as individuals are filed with the receiving and disbursing officer of the said municipality or county, to authorize, by resolution, the deductions specified in the said written petitions and authorizations and the payment of them to the designated fiscal agent of the group.

CHAPTER 204.—*Garnishment of wages—Exemption*

SECTION 11. *Satisfaction of judgments.*—[Where a judgment debtor is found to have a wage or other income in excess of \$18 per week, 10 per cent thereof is subject to a lien and continuing levy until the judgment is paid. If the income exceeds \$1,000 per annum, a larger percentage may be taken.]

NEW MEXICO

ANNOTATED STATUTES—1915

Wages as preferred claims—In insolvency of corporations

SECTION 973. *Amount.*—[Wages of laborers and workmen for work done within the next four months preceding the institution of proceedings shall be a first and prior lien on all assets of an insolvent corporation.]

Sec. 974. *Liens*.—[The lien of a chattel mortgage recorded more than two months before proceedings begun is not affected by the above; nor is a chattel mortgage recorded within such two months, to secure money loaned or goods purchased within that period.]

Wages—Exemption—Garnishment

SECTION 2311. *Amount*.—[The personal earnings of a head of a family for 60 days are exempt if it is shown that they are necessary to the support of his wife or family; but this does not apply to debts for manual labor or for necessities of life.]

Sec. 2553. *Suits outside State*.—[If garnishment of personal earnings is sought in a suit outside the State, debtor and creditor both being residents of the State and service could have been obtained in the county of residence of the debtor, the suitor shall be liable for attorney's fee, costs of debtor, including travel, board, witnesses, etc., and \$5 a day for time spent. He shall also be entitled to the amount exempted by the law of New Mexico, and to an attorney's fee in any damage suit brought in case the claim was successfully defended.]

Payment of wages in scrip—Company stores

SECTION 3503. *Scrip, etc., to be redeemable in money*.—It shall be unlawful for any person, firm, company, or corporation owning or operating coal or other mines or transacting any kind of general mercantile business in the State of New Mexico to sell, give, deliver, or in any manner issue directly or indirectly, to any person employed by him or it in payment for wages due for labor or as advances on wages of labor not due, any scrip [scrip], check, draft, or order, or evidence of indebtedness payable or redeemable otherwise than in their face value in money; and such person, acting member or agent of any firm, acting agent or agents or officers of any company or corporation [or] firm who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$500, nor less than \$250, and the amount of any scrip, token, check, draft, order, or other evidence of indebtedness sold, given, delivered, or in any manner issued in violation of the provisions of this section shall recover in money at the suit of any holder thereof against the person, firm, company, or corporation selling, giving, or delivering or in any manner issuing the same.

Sec. 3504. *Exemption*.—The provisions of the preceding section shall not apply in any instance where the issuance of scrip, check, draft, or order, is upon the voluntary request or at the instance of the party to whom issued, but only in cases where the employer seeks to compel, coerce, or influence the employee against his will to accept the same.

Sec. 3505. *Restricting trade*.—Whoever compels or in any manner seeks to compel or coerce an employee or any person, firm, company or corporation to purchase goods or supplies from any particular person, firm, company or corporation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$500 or imprisonment in the county jail not exceeding 60 days, or both at the discretion of the court.

ACTS OF 1917

CHAPTER 16.—*Payment of wages—Semimonthly pay day*

SECTION 1. *Scope of law*.—All railway mining, and manufacturing corporations operating in this State shall designate regular days, not more than sixteen days apart, as days fixed for the payment of wages to all employees thereof, paid in this State, and shall post and maintain notices, printed or typewritten, in plain type in at least two conspicuous places where said notices can be seen by said employees as they go to and from their work, setting forth said days as "pay days." And every such corporation shall pay on each of said days to its employees in lawful money of the United States, or in negotiable bank check, payable on demand, of the date of said day, all wages due said employees up to such pay day, except it may withhold wages for not more than sixteen days' labor due any employee remaining in the service of such corporation.

SEC. 2. *Violations.*—Every such corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500 for each offense.

ACTS OF 1919

CHAPTER 153.—*Garnishment of wages*

SECTION 1. *Amount.*—[Not over 20 per cent of the current wages of an employee may be garnished if such wages do not exceed \$75 per month. If they exceed \$75, in addition to the above, the full amount of such excess may be taken. No exemption is allowed if the debt was incurred for necessities of life, or if the debtor is not the head of a family, or if he is a head and his family does not reside in the State.]

SEC. 2. *Public employees.*—[Public officials can be summoned as garnishees only where a judgment has been secured against an employee of the State or municipality, school district, etc. Such employees have the exemption rights provided in section 1.]

ACTS OF 1921

CHAPTER 10.—*Company stores*

SECTION 1. *Coercion as to trade.*—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.

SEC. 2. *Violations.*—[Violations are punishable by fine, \$50 to \$200, or imprisonment 30 to 90 days, or both.]

CHAPTER 180.—*Employment of women—Overtime pay*

SECTION 5. *Emergencies.*—Nothing in section 2 of this act [relating to mercantile establishments] 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.

SEC. 6. *Same.*—Nothing in section 3 of this act [relating to express, etc., offices] 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.

NEW YORK

CONSOLIDATED LAWS—1909

CHAPTER 12.—*Wages as preferred claims—In assignments*

SECTION 22 (as amended 1914, ch. 360). *Amount.*—[Wages or salaries owing for services rendered within three months prior to an assignment are preferred before any other debt, not exceeding \$300 to each employee.]

CHAPTER 23.—*Wages as preferred claims—In receiverships of corporations*

SECTION 24-a (added 1921, ch. 22). *Rank.*—[The wages of employees of a corporation other than a moneyed corporation are preferred to every other debt or claim in case of the appointment of a receiver for such corporation.]

CHAPTER 31 (as amended 1921, ch. 50).—*Labor law—Wages*

SECTION 195 (as amended 1921, ch. 642). *Wages to be in cash.*—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.

SEC. 196. *Semimonthly pay day.*—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.

2. *Weekly pay day.*—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.

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. *Assignments.*—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.

SEC. 198. *Violations.*—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 sums of \$50 for each such failure, to be recovered by the commissioner in a civil action.

SEC. 221. *Company stores.*—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.

SEC. 390. *Contribution to insurance fund.*—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 \$100 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.

CHAPTER 39.—*Wages as preferred claims—In receiverships of partnerships*

SECTION 71-a (added 1921, ch. 23). *Rank.*—[The wages of the employees of a partnership are preferred to every other debt or claim, upon the appointment of a receiver.]

CHAPTER 40.—*Labor law violations*

SECTION 1272 (as amended 1909, ch. 205). *Payment of wages.*—[Corporations, joint-stock companies, or persons carrying on their business, failing to pay wages as provided by the labor law shall be fined \$100 to \$10,000 for each offense.]

CODE OF CIVIL PROCEDURE

Exemption of wages from execution

SECTION 1391 (as amended 1911, ch. 532). *Amount*.—[If a creditor secures judgment against a wage earner who then or thereafter has due him wages in the amount of \$12 or more per week, he may have execution in the amount of 10 per cent of such wages as a continuing levy until the judgment is satisfied. Only one execution shall be satisfied at one time.]

Sec. 1879. *Same*.—[Judgment creditors may not seize the earnings of a debtor for personal service for the 60 days before the commencement of the action, where it is made to appear that such earnings are necessary for the use of a dependent family.]

NORTH CAROLINA

CONSOLIDATED STATUTES—1919

Wages as preferred claims—In administration, etc.

SECTION 93. *Administration*.—[Wages for not more than one year rank next after debts secured by a specific lien, funeral expenses, taxes assessed previous to the death of the employee, dues to the State and the United States, and judgments docketed and in force. Medical services for the year past are in the same class as wages.]

SEC. 1140. *Foreclosure of mortgages*.—[Mortgages on the property of corporations can not defeat judgments for labor or clerical services performed.]

SEC. 1197. *Insolvency*.—[The assets of an insolvent corporation are subject to a first and prior lien, superior to all others, for two months' wages of laborers; workmen, and all persons doing labor or service in the regular employment of the corporation.]

Payment of wages in scrip

SECTION 4479. *Scrip to be transferable*.—If any person who employs laborers by the day, week, or month shall issue in payment for the services of such laborers any ticket, certificate, or other script [scrip] bearing upon its face the word "nontransferable," or shall issue such ticket, certificates, or other script [scrip] in any form that would render it void by transfer from the person to whom issued, or shall refuse to pay to the person holding the same its face value, he shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$10 nor more than \$50 for each offense, or imprisoned not more than 30 days.

Payment of wages to railroad employees

SECTION 6558. *Scope of law*.—All persons, firms, companies, corporations, or associations owning, leasing, or operating any railroad, or railroads, wholly or partially within this State, shall pay and settle with their employees engaged or employed in shops, roundhouses, or repair shops within this State at least twice in each month, which settlements shall not be less than two weeks nor more than three weeks apart, and shall in such settlements, pay such employees the full amounts due them for their work and services up to the date of the preceding settlement, and such payment shall be made in lawful money of the United States, or by check or cash order redeemable by the maker thereof for its face value in lawful money of the United States upon demand of or presentation by the lawful holder thereof: *Provided*, This section shall not apply to repair shops where less than 10 employees are engaged.

Unlawful assignments, etc.

SECTION 6568. *Sending claims outside of State*.—[Resident creditors are forbidden to send out of the State or assign a claim against a resident employee of a railroad company with the intent of depriving him of the benefit of the exemption laws of the State.]

NORTH DAKOTA
REVISED CODES OF 1905

Contract of employment

[Sections 5569, 5570, and 5573 are identical with sections 7792, 7793, and 7796, respectively, of the Revised Code of Montana, p. 93.]

Exemption of wages from garnishment—Suits—Preference

SECTION 6968 (as amended 1921, ch. 72). *Amount.*—[The sum of \$15 weekly, wages of the head of a family resident in the State, is exempt from garnishment, and wages not in excess of \$15 must be paid the wage earner when due, on a showing of his status.]

SEC. 7125 (as amended 1915, ch. 155). *No exemption, when.*—[No personal property except absolute exemptions are exempt from execution or attachment in an action for wages.]

SEC. 7166. *Amount exempt.*—[Earnings for personal services rendered within 60 days next preceding an order of execution are exempt therefrom if necessary to the support of the dependent family of the judgment debtor.]

SEC. 7782. *Rank in insolvency.*—[Wages of servants, laborers, mechanics, and clerks for services rendered within the preceding year rank next after debts due the United States and debts and taxes due the State or a municipality.]

Execution on judgments for wages not to be stayed

SECTION 8447. *Stay not allowed, when.*— * * * no stay is allowed under the provisions of this section without the consent of the owner and holder of the judgment when it is rendered for wages of a mechanic or laborer * * *.

ACTS OF 1917

CHAPTER 189.—Payment of wages—Semimonthly pay day on railroads

SECTION 1. *Pay days established.*—All railroad corporations doing business within this State are required to pay their employees at least semimonthly, the wages earned by them to within fifteen days of the date of such payment, unless prevented by inevitable casualty: *Provided, however,* That whenever an employee shall be discharged, his wages shall be paid to him at the time of his discharge or whenever he shall demand the same thereafter.

SEC. 2. *Failure to pay.*—Whenever any railroad corporation shall for seven days neglect or refuse to pay its employees as prescribed by section 1 of this act, the wages due them may be recovered by action without further demand, and there shall be allowed to the plaintiff and included in his judgment, in addition to his costs and disbursements allowed by law, \$5 if the judgment be recovered in a justice court, and a like sum if the judgment be recovered in a municipal court where no statutory costs are now allowed in such municipal court in such action, and double costs in all other courts on appeal.

OHIO

CONSTITUTION—AMENDMENTS OF 1912

ARTICLE II.—Labor legislation

SECTION 34. *Wage and safety laws.*—Laws may be passed fixing and regulating the hours of labor, establishing a minimum wage, and providing for the comfort, health, safety, and general welfare of all employees; and no other provision of the constitution shall impair or limit this power.

GENERAL CODE—1910

Suits for wages—Judgments not to be stayed

SECTION 1558-77a (added 1915, p. 365). *Amount.*—[A judgment for wages for manual labor not in excess of \$100 is not subject to stay of execution.]

Garnishment of wages—Exemption

SECTION 10253 (as amended 1925, p. 383). * * * *Amount exempt.*—No attachment shall issue by virtue of this chapter against the personal earnings of any defendant for services rendered by such defendant within 30 days before the commencement of the action or the issuing of the attachment, unless the defendant is not the support of a family, or unless the amount of the defendant's earnings for said 30 days exceeds \$50, and then only as to the excess over that amount, or unless the claim is one for work and labor, or necessities, and then for only 20 per cent of such personal earnings.

Sec. 10271 (as amended 1925, p. 383). *Fees; payment.*—The personal earnings now exempted by law, in addition to the 20 per cent for work and labor, or necessities, shall be further liable to the plaintiff for the actual costs of any proceedings brought to recover a judgment for such work and labor, or necessities, and for any proceedings to satisfy said judgment in any sum not to exceed \$2, and the necessary garnishee fee for each suit, attachment, aid of execution, or other proceeding. Such garnishee may pay to such debtor an amount equal to 80 per cent of such personal earnings, less the sum of \$2 and the necessary garnishee fee not to exceed 50 cents, if the same is demanded by the garnishee, for actual costs as herein provided, * * *

Suits for wages

SECTION 10403. *Stay of judgment.*—[No stay of execution is allowed where a judgment is for wages owed for manual labor.]

Sec. 10714. *Preference in administration.*—[Wage debts rank next after expenses of funeral, last sickness and administration, allowance to widow and children, debts preferred under laws of the United States, and public rates and taxes and sums due the State for duties on sales at auction. The preference extends to wages not exceeding \$150 earned in the 12 months preceding the employee's death.]

Sec. 11725 (as amended 1925, p. 383). *Heads of families, etc.*—[Ninety per cent of the personal earnings of every head of a dependent family or of a widow, and the personal earnings of his or her minor child or children for 30 days, not exceeding \$75, are exempt from execution, etc., if shown to be necessary for the support of the debtor or of his or her family. If the claim is for work or labor, or for necessities, 80 per cent is exempt.]

Sec. 11761. *Suits for railroad laborers' wages.*—[Where a judgment for wages due railroad laborers has been obtained the clerk of the court having jurisdiction may, on due process, issue a writ directing debtors of the railroad company to turn over to the officer holding the judgment money or other property of such company in their possession in an amount sufficient to pay such judgment and costs.]

Sec. 11781. [This section is in effect the same as sec. 11725, above.]

Sec. 11819. *Attachment.*—[An attachment of the defendant's property may be had on a showing in a civil suit that the action is to recover a debt due for work or labor.]

Exemption of wages—Unlawful assignment of claims

SECTIONS 12862, 12863 (both as amended 1911, p. 114). *Assignment or purchase.*—[Anyone selling or assigning a claim against a resident of the State for collection outside the State for the purpose of evading the exemption laws of the State, or anyone purchasing such claim, shall be fined not less than \$20 nor more than \$50.]

Sec. 12865. *Relief.*—[A person whose personal earnings have been attached in violation of the foregoing section may recover the amount, with costs, in an action against either the assignor or the purchaser.]

Protection of employees as traders—Payment of wages

SECTION 12944. *Coercion in trading.*—Whoever compels, seeks to compel or attempts to coerce an employee of himself or another, to purchase goods or supplies from a particular person, firm, or corporation, shall be fined not less than \$20 nor more than \$100 or imprisoned not more than 60 days, or both.

Sec. 12945. *Sales of goods by employer.*—Whoever sells goods or supplies to his employee, or pays such employee wages or a part thereof in goods or

supplies, directly or through the intervention of scrip, orders or other evidence of indebtedness, at higher prices than the reasonable or current market value in cash of such goods or supplies, or, without an express contract with his employee, deducts or retains the wages of such employee, or a part thereof, for ware, tools, or machinery destroyed or damaged, shall be fined not less than \$20 nor more than \$100 or imprisoned not more than 60 days, or both.

Sec. 12946. *Double liability.*—A person violating either of the next two preceding sections shall also be liable to the party aggrieved in double the amount of charges made for such ware, tools, and machinery, or for the amount received for such goods or supplies in excess of the reasonable or current market value in cash thereof.

Sec. 12946-1 (added 1913, p. 154). *Semimonthly pay day.*—Every individual, firm, company, copartnership, association, or corporation doing business in the State of Ohio, who employ five or more regular employees shall on or before the first day of each month pay all their employees engaged in the performance of either manual or clerical labor the wages earned by them during the first half of the preceding month ending with the fifteenth day thereof, and shall on or before the fifteenth day of each month pay such employees the wages earned by them during the last half of the preceding calendar month: *Provided, however,* That if at any time of payment an employee shall be absent from his or her regular place of labor and shall not receive his or her wages through a duly authorized representative, such person shall be entitled to said payment at any time thereafter upon demand upon the proper paymaster at the place where such wages are usually paid and where such pay is due: *Provided,* Nothing herein contained shall be construed to interfere with the daily or weekly payment of wages.

Sec. 12946-2 (added 1913, p. 154). *Waivers forbidden.*—No such corporation, contractor, person, or partnership shall by a special contract with an employee or by any other means exempt himself or itself from the provisions of this act [12946-1 to 12946-2], and no assignments of future wages, payable semi-monthly under these provisions shall be valid, but nothing in this act [12946-1 to 12946-2] shall prohibit the assignment by an employee of 10 per cent of his personal earnings, earned or unearned, to apply on a debt for necessities. Whoever violates the provisions of this act [12946-1 to 12946-2] shall be punished by a fine of not less than \$25 nor more than \$100.

Sec. 12947. *Enforcement.*—The prosecuting attorney, upon complaint made to him of a violation of sections 12944 or 12945, shall cause such complaint to be investigated before the grand jury.

OKLAHOMA

REVISED LAWS OF 1910

Suits for wages—Sending claims outside the State

SECTION 2911. *Sending out claims forbidden.*—[Sending out of the State claims for debt to be collected by attachment, garnishment, etc., when the parties are within the jurisdiction of the courts of the State is a misdemeanor punishable by a fine not less than \$500 nor more than \$1,000.]

Sec. 2912. *Assignments to nonresidents.*—[The assignment or transfer of a claim or debt against a citizen of the State to be collected by attachment, etc., or which is attempted to be collected out of the wages or personal earnings of the debtor in courts outside the State, when the parties are within the jurisdiction of the State, is a misdemeanor punishable by a fine of from \$500 to \$1,000, or imprisonment from 30 days to one year, or both.]

Sec. 2913. *Liability.*—[Persons violating the provisions of this act are liable to the aggrieved party in the amount of the claim and costs, to be recovered in a civil action.]

Exemption of wages from execution

SECTION 3342 (as amended 1915, ch. 188). *Amount.*—[Seventy-five per cent of all current wages or earnings for the last 90 days are exempt, in case of attachment, execution, etc., to the head of every family residing in the State.]

Sec. 3345 (as amended 1915, ch. 188). *Persons not heads of families.*—[To persons not heads of families, 75 per cent of current wages or earnings are exempt.]

SEC. 3347. *Suits for wages.*—[Exemptions are not available where the claim is for wages.]

Payment of wages

SECTION 3760. *Semimonthly pay day.*—Every corporation, association, company, firm, or person in the State engaged in mining coal, ore, or other minerals or quarrying stone, or in manufacturing iron, steel, lumber, staves, headings for barrels, brick, tile and tile machinery, agricultural or mechanical implements, or any article of merchandise, shall pay each employee of such corporation, association, company, firm, or person, if demanded, at least twice each calendar month, the amount due such employee for labor, and such payment shall be in lawful money of the United States, and the employee shall not be deemed to have waived any right or rights herein mentioned because of any contract to the contrary.

SEC. 3761. *Script to be redeemable.*—Every corporation, association, company, firm, or person, or any member, agent, or employee thereof who shall publish, issue, or circulate any check, card, or other paper which is not commercial paper, payable at a fixed time in any bank in this State, at its full face value, in lawful money of the United States, or any card or check issued, which is not payable in lawful money of the United States on each regular pay day, to any employee of any such corporation, association, company, firm, or person, in payment for any work or labor done by such employee, shall be guilty of a misdemeanor.

SEC. 3762. *Violations.*—Any corporation, association, company, firm, or person in this State engaged in mining coal, ore, or other minerals, or quarrying stone, or in manufacturing iron, steel, lumber, staves, headings for barrels, brick, tile and tile machinery, agricultural or mechanical implements, or any article of merchandise, upon conviction of a violation of any of the provisions of the two preceding sections, shall be fined in any sum not less than \$50 nor more than \$200.

Exemption of wages from garnishment, etc.

SECTIONS 5198, 5199, 5501. *Amount.*—[The earnings of a judgment debtor for three months next preceding an order in execution of judgment, attachment, or garnishment process are exempt therefrom if it appears that such earnings are necessary to the support of a family partly or wholly dependent.]

ACTS OF 1913—REGULAR AND EXTRA SESSIONS

CHAPTER 46.—*Payment of wages—Semimonthly pay day*

SECTION 1. *Semimonthly pay day required.*—Every railroad corporation, telephone and telegraph company, express company, street railway company, and every transportation or transmission company operating and doing business in the State of Oklahoma, shall pay each employee of such railroad, telephone and telegraph, street railway, transportation or transmission company, or employee of such corporation, association, company, firm, person or persons, at least twice each calendar month.

SECTION 2. *Violations.*—[Fine of \$50 to \$500 for each offense.]

ACTS OF 1915

CHAPTER 148 (as amended 1919, ch. 163).—*Employment of women—Overtime work*

SECTION 2. *Hours of work.*—The hours of work may be so arranged to permit the employment of females at any time so that they shall not work more than nine (9) hours within twenty-four (24) hours, of any one day: *Provided, however,* That in time of great disaster, calamity, or epidemic, telephone establishments may work their operators, with their consent, for a greater number of hours in any one day than above stated, said operators to be paid not less than double their regular compensation for such extra time: *Provided,* That this act shall not apply to females who are registered pharmacists, or employed as nurses or those engaged in agricultural or domestic service: *And provided further, however,* That in case of emergency in hotels and restaurants, females may work to a maximum of ten (10) hours during the twenty-four with their

consent; such females to be paid not less than double their regular compensation for such extra time: *And provided further*, That this act shall apply only to towns and cities containing a population of five thousand (5,000) or more, as shown by the last Federal census, or any Federal census hereafter taken: *Provided, however*, That the provisions of this act shall apply to any of the establishments mentioned in section one of this act, where five or more females are employed, and located outside of the incorporated limits of any city or within the limits of any city, town, or village of less than five thousand (5,000) population.

OREGON

OREGON LAWS—1920

Suits for wages—No property exempt

SECTION 227. *Exemptions, property*.—[Specific articles and values of property of a judgment debtor are exempt from execution, except where the claim is for labor performed for a person engaged in a business, trade, or occupation, to enable him to carry on the same, in which case no article, tool, implement, or apparatus used in the undertaking, or money due the employer on account thereof, shall be exempt.]

Exemption of wages from execution

SECTION 228 (as amended 1923, ch. 204). *Exemptions, wages*.—[The earnings of a judgment debtor for 30 days prior to service of attachment, etc., not exceeding \$75 in amount, are exempt on a showing of necessity for the support of his family; but if the debt is for family expenses, 50 per cent of such earnings are exempt.]

Garnishment of wages—Public employees

SECTION 258. *Garnishment*.—[Wages and salaries of public employees are subject to garnishment, etc., in the hands of the officer charged with the payment of the same, in the same manner as property in the possession of individuals.]

Wages as preferred claims

SECTION 1110. *Receiverships*.—[Wages accrued within six months prior to the appointment of a receiver must be paid out of the first receipts, after the payment of current operating expenses; and must be paid at least every 30 days out of the first receipts and earnings. If these do not suffice to make such payments, certificates bearing interest at 8 per cent must be issued, to be redeemed out of the first receipts and earnings available.]

Sec. 1295. *Administration*.—[Wage debts rank next after funeral charges, United States taxes, expenses of last sickness, State and local taxes, debts preferred under United States laws, and debts secured by liens at the time of the employer's death.]

Protection of employees as traders, etc.

SECTION. 2177. *Employees as traders, etc.*—It shall be unlawful for any person or corporation to compel by threats or intimidation, or threats of discharge, or to use any means to compel an employee against his will to board at any particular hotel, boarding house, or other place where lodgings or board may be provided, or to require an employee to purchase goods and supplies at any particular store.

Sec. 2178. *Violations*.—[Penalties for violations are fine, \$25 to \$100, or imprisonment, 10 to 30 days, or both.]

Employment of labor—Medical and hospital fees

SECTION 6642. *Scope of act*.—An employer under the terms of this act shall be taken to mean all persons, firms, companies, corporations, or associations of persons, not including employers engaged in interstate commerce, doing business within this State who have been withholding or who may hereafter with-

hold or accept any portion of the wages of their employees for medical, surgical, or hospital care and attention.

Wherever the word "contractor" is used in this act it shall be understood to include any individual, firm, association, or company which may contract with any employer for the medical, surgical, or hospital care and attention of his employees.

Sec. 6643. *Laws to be observed.*—On or after July 1, 1917, it shall be unlawful for any employer to deduct, withhold, or accept any portion of the wages of any employee for medical, surgical, or hospital care and attention or to expend any portion of the wages deducted or accepted for such purpose, except as provided in this act.

Sec. 6644. *Collection of fees lawful.*—It shall be lawful for an employer to collect or deduct a portion of the wages of his employees for medical, surgical, or hospital care and attention in such an amount and in such a manner as may be reasonable: *Provided*, That if any employee shall complain to the industrial accident commission as to the amount or manner of said deduction, then it shall be unlawful, after notice by said commission, for any employer to deduct or accept any portion of the wages of his employees except in the manner and amounts approved by the said industrial accident commission: *Provided*, That it shall be unlawful for any employer to directly or indirectly retain any portion of the said fund so collected for his own use or benefit, it being the intention of this act that the money so collected by the employer shall be a trust fund and shall be kept in separate accounts and promptly paid over for the purpose for which it is so collected and shall in no event become a part of the assets of any such employer.

Sec. 6645. *Contractors.*—It shall be lawful for employers to make contracts with contractors with regard to the funds of his [their] employees collected under the provisions of section 6644: *Provided*, That the industrial accident commission shall have power and authority to cancel any such contract whenever it shall deem that the physician selected to give service is not reasonably competent or the service furnished is not reasonably efficient: *Provided further*, That no contract shall be valid or effective between an employer and any contractor which shall extend over a period of more than one year, except that the contractor may make a valid contract for two years with the previous consent of the commission.

Sec. 6646. *Statements.*—Each contractor shall, on the first day of July and the first day of January of each year, make a statement to the industrial accident commission showing the amount of funds received from each employer during the preceding six months.

Sec. 6647. *Supervision.*—The supervision given to the industrial accident commission under the provisions of this act shall be exercised for the best interests of the employees, and any complaint made by any employee to said industrial accident commission hereunder shall be made in writing and subscribed and sworn to.

Sec. 6648. *Reports.*—The industrial accident commission is hereby authorized to demand from the employer such sworn statements and reports as may be reasonably deemed necessary in the administration of this act.

Sec. 6649. *Violations.*—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500.

Hours of labor—Overtime pay

SECTION 6689. *Ten-hour day for women.*—No female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in this State more than 10 hours during any one day, or more than 60 hours in one week. The hours of work may be so arranged as to permit the employment of females at any one time so that they shall not work more than 10 hours during the 24 hours of one day or 60 hours during any one week: *Provided, however*, That the provisions of this section in relation to the hours of employment shall not apply to nor affect females employed in harvesting, packing, curing, canning, or drying any variety of perishable fruit, vegetable, or fish: *Provided further*, They be paid time and a half for time over 10 hours per day when employed in canneries or driers or

packing plants: *Provided, also*, That pieceworkers shall be paid one and a half the regular prices for all work done during the time they are employed over 10 hours per day.

SEC. 6691. *Violations.*—[Fines of not less than \$25 nor more than \$100 are penalties for violations.]

SEC. 6709 (as amended 1923, ch. 122). *Overtime.*—No person shall be employed in any mill, factory, or manufacturing establishment in this State more than 10 hours in any one day, or in sawmills, planing mills, shingle mills, and logging camps more than eight hours, exclusive of one hour, more or less, in one day, or more than 48 hours in one calendar week, except logging train crews, watchmen, firemen, and persons engaged in the transportation, of men to and from work, and employees when engaged in making necessary repairs, or in the case of emergency where life and property is [are] in imminent danger: *Provided, however*, Employees may work overtime not to exceed three hours in one day, conditioned that payment be made for said overtime at the rate of time and one-half the regular wage. The provisions of this section shall not apply to persons employed in the care of quarters or livestock, conducting mess halls, superintendence and direction of work, or to the loading and removal of the finished forest product.

SEC. 6710 (as amended 1923, ch. 122). *Act in effect.*—Any employer who shall require or permit any person to work in any of the places mentioned in section 6709 more than the hours in said section provided for, during any day of 24 hours, or who shall permit or suffer any overseer, superintendent, or other agent of such employer to violate any of the provisions of this act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined for such offense not less than \$50 nor more than \$500: *Provided*, That every day's violation of this act or any part thereof shall be deemed a separate offense: *And provided further*, That this act shall not be enforced in so far as same relates to working hours in sawmills, planing mills, shingle mills, and logging camps until laws containing like provisions regarding working hours in such places of employment in the States of California, Washington, and Idaho shall become effective in each of the said States, respectively.

Deductions of wages for hospital, etc., funds

SECTION 6792. *Reports required.*—On the first day of * * * each July, all persons, firms, companies, or corporations doing business in Oregon, which have been withholding or accepting any portion of the wages of any of their employees residing in Oregon for hospital or relief purposes, shall furnish the commissioner of labor statistics of the State of Oregon a full and complete list of all money so collected, from the first of the preceding July to date, and a full and complete list of all expenditures from the same fund for the same time.

SEC. 6793. *Exemption.*—The provisions of this act shall not apply to common carriers.

SEC. 6794. *Violations.*—Any person, firm, company, or corporation, violating any of the provisions of this act, shall, upon conviction thereof, be fined not less than \$50 and not more than \$500 for each offense.

Payment of wages—Script—Suits

SECTION 6797 (as amended 1925, ch. 252). *Orders, etc., to be negotiable.*—No person or corporation engaged in any business or enterprise of any kind in this State shall issue, in payment of or as evidence of indebtedness for wages due an employee, any order, check, memorandum, or other acknowledgment of indebtedness, unless the same is negotiable, and is payable without discount in cash on demand at some bank or other established place of business in the county where the same is issued, and where a sufficient amount of funds have been provided and are or will be available for the payment of such order, check, or other acknowledgment of indebtedness when due; and such person or corporation shall, upon presentation and demand, pay any such order, check, memorandum, or other acknowledgment of indebtedness, in lawful money of the United States: *Provided, however*, That nothing herein contained shall in any way limit or interfere with the right of any such employee to accept from any such person or corporation, as an evidence or acknowl-

edgment of indebtedness for wages due him, a negotiable instrument, payable at some future date with interest.

SEC. 6798. *Wages, when due.*—Whenever an employer discharges an employee, or where such employment is terminated by mutual agreement, all wages earned and unpaid at the time of such discharge shall become due and payable immediately. When any such employee, not having a contract for a definite period, shall see fit to quit or resign his employment, all wages earned and unpaid at the time of such quitting or resignation shall become due and payable immediately: *Provided*, Such employee shall have given not less than three days' notice of his intention to quit his employment, and if such notice has not been so given then such wages shall be due and payable three days after such employee shall have so quit his employment; but when any number of employees enter upon a strike, the wages due such striking employees at the time of entering upon such strike shall not become due and payable until the next regular pay day after the commencement of such strike: *Provided*, That the time between the commencement of the strike and such next regular pay day does not exceed a period of 30 days, and if such time does exceed the period of 30 days then such wages shall be due and payable 30 days after the commencement of such strike.

SEC. 6799. *Suits for wages.*—In any action for the collection of any such order, check, memorandum, or other acknowledgment of indebtedness, or in any action for the collection of wages, if it is shown that such order, check, memorandum, or other acknowledgment of indebtedness, or said wages were not paid for a period of 48 hours after proper demand for the payment thereof, the court shall, upon entering judgment for the plaintiff, include in such judgment, in addition to the costs and disbursements otherwise prescribed by statute, a reasonable sum for attorney's fees for prosecuting said action, unless it shall appear that such employee has willfully violated his contract of employment: *Provided*, In case of an employee voluntarily quitting an employment, such employee shall have given not less than three days' notice of his intentions to quit his employment.

Wages as preferred claims—In receiverships, etc.

SECTION 10210. *Amount, etc.*—[Where the property of any company, association, person, or firm goes into the hands of a receiver, or is assigned for the benefit of creditors, debts owing laborers or employees, not exceeding \$100 to each employee, earned within 90 days prior to the transfer, are to be paid first in full, if assets permit, otherwise pro rata; forms and procedure are prescribed.]

ACTS OF 1925

CHAPTER 252.—*Payment of wages*

[This act amends section 6797 O. L. (see above), and also enacts new legislation, as follows:]

SECTION 2. *Monthly pay day.*—Every person, firm, or corporation owning or operating any mine, smelter, mining mill, sawmill, logging concern, mercantile establishment or manufactory, or doing a contracting business, coming under the provisions of this act, shall establish and maintain a regular pay day, notice of which shall be posted in a conspicuous place, at which date all employees shall be paid the wages due and owing to them, and such pay day shall not extend beyond a period of 30 days from the time that such employer or employees entered upon their work, or from the date of the last regular pay day: *Provided*, That nothing herein shall prevent the employer from establishing and maintaining pay days at more frequent intervals: *And provided further*, That nothing contained herein shall be construed to prevent any person, firm, or corporation engaged in any pursuits from entering into an agreement, mutually satisfactory, with his employees, as to the payment of wages at a future date.

SEC. 3. *Violations.*—Any person, firm, or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.

PENNSYLVANIA

STATUTES—1920

Wages as preferred claims

SECTION 766. *Insolvency.*—[Claims for wages have the same preference in case of assignments as provided by law in case of executions.]

SEC. 767. *Current wages.*—[Wages necessarily incurred in service rendered to an assignee or receiver must be paid as a part of the expenses of the assignment.]

SEC. 783. *Sending claims out of the State.*—[It is unlawful for a citizen to assign or transfer a claim against a resident of the State for the purpose of depriving the debtor of his right to wage exemptions under the law of Pennsylvania.]

Powers of manufacturing companies, etc.—Company stores

SECTION 5984. *Powers restricted.*—Every manufacturing, mining, or quarrying company incorporated under the provisions of this act [relating to manufacturing companies], shall be confined exclusively to the purposes of its creation, as specified in its charter, and no such company shall manufacture or sell any commodity or article of merchandise other than those therein specified. No such company shall engage in, nor shall it permit any of its employees or officials to engage in, the buying or selling, upon the lands possessed by it, of any wares, goods or commodities or merchandise, other than those specified in their charter, or necessary for the manufacture of the same. No such company shall permit to be withheld or authorize or direct the withholding of wages due any of its operatives or employees, by reason of the sale or furnishing of goods, wares, or merchandise by any person to such operatives or employees, unless the same be withheld by reason of and in obedience to due process of law. But nothing herein contained shall prohibit any such person from supplying to its employees oil, powder, or other articles and implements necessary for or used in mining.

SEC. 5988. *Company stores prohibited.*—On and after the passage of this act it shall not be lawful for any mining or manufacturing corporation of this Commonwealth, or the officers or stockholders of any such corporation, acting in behalf or in the interest of any such corporation, to engage in or carry on, by direct or indirect means, any store known as a company store, general supply store or store where goods and merchandise other than such as have been mined or manufactured by the mining or manufacturing corporation, of which said officers or stockholders are members, are kept or offered for sale.

SEC. 5989. *Right to maintain store not to be granted.*—No mining or manufacturing corporation engaged in business under the laws of this Commonwealth shall lease, grant, bargain, or sell to any officer or stockholder of any such corporation, nor to any other person or persons whatsoever, the right to keep or maintain upon the property of any such corporation any company, general supply or other store in which goods other than those mined or manufactured by the corporation granting such right shall be kept or exposed for sale whenever such lease, grant, bargain, or sale as aforesaid is intended to defeat the provisions of the first section of this act. Nor shall any such mining or manufacturing corporation, through its officers, stockholders, or by any rule or regulation of its business, make any contract with the keepers or owners of any store, whereby the employees of such corporation shall be obliged to trade with such keeper or owner, and that any such contract made in violation of this act shall be prima facie evidence of the fact that such store is under the control of such mining or manufacturing corporation and in violation of this act.

SEC. 5990. *Forfeiture.*—For any violation of any of the provisions of this act by any mining or manufacturing corporation aforesaid, such mining or manufacturing corporation so offending shall forfeit all charter rights granted to it under the laws of this Commonwealth, and it is hereby declared and made the duty of the attorney general of this Commonwealth, upon complaint of such violation of any of the provisions of this act by a petition signed and sworn to by two or more citizens, residents of the county where the offense is sworn to have been committed, to immediately commence proceedings against the corporation or corporations complained against by a writ of quo warranto.

Wages as preferred claims—In administration

SECTION 8458. *Rank.*—[Servants' wages for not exceeding one year rank with funeral expenses and expenses of last illness as first to be paid by executors or administrators of estate.]

Payment of wages due deceased employees

SECTION 8601. *Payment to wife, etc.*—It shall be lawful for any employer in this Commonwealth, at any time not less than 30 days after the death of his employee, to pay all wages due to such deceased employee to the wife, children, father or mother, sister or brother (preference being given in the order named) of the deceased employee, without requiring letters testamentary or of administration to be issued upon the estate of said deceased employee, where such wages do not exceed \$150 in amount. If such deceased employee shall not leave a wife or any of said relatives surviving him, then it shall be lawful for the employer in like manner to pay such wages to the creditors of the decedent, as follows, undertaker, physician, boarding-house keeper, and nurse, each his or her pro rata share, upon affidavit of fact furnished. The payment of such wages as aforesaid shall be a full discharge and release to the employer from any further claim for such wages.

Suits for wages—Exemptions—Attachments

SECTION 10392. *No property exempt.*—[No exemption of property from attachment, levy, or sale on execution is allowed in judgment for wages for manual labor for \$100 or less.]

Sec. 10393. *Assignments to defeat exemption.*—[No citizen of the State may assign a claim against a resident for collection outside the State or send such claim outside the State for collection for the purpose of depriving the debtor of his right to have his personal earnings exempt under the laws of the State.]

Sec. 10394. *Evidence.*—[Any assignment or transfer of a claim, or proceedings in attachment or garnishment which might, could, or does deprive one of the benefit of the exemption laws of the State, is prima facie evidence of intention to violate the above act.]

Sec. 10403. *Stay.*—[No stay of execution is allowed in judgments of \$100 or less for wages of manual labor.]

Sec. 10431. *Attachment.*—[Wages of laborers and salaries of persons in public or private employment are not subject to attachment in the hands of the employer.]

Wages—Attachment for board

SECTION 11950. *Amount.*—[Keepers of hotels, inns, boarding houses, and lodging houses may bring action to attach wages due or owing to persons indebted to such keepers, in an amount not exceeding the sum due them for four weeks.]

Sec. 11951. *Service.*—[Every person owing such wages shall be deemed to have accepted notice of attachment of wages in his hands when properly served with such notice.]

Payment of wages in scrip

SECTION 20462. *Report to auditor general.*—Every person, firm, partnership, corporation or association shall, upon the first day of November of each and every year make a report, under oath or affirmation, to the auditor general, of the number and amount of all orders, checks, dividers, coupons, pass books, and all other books and papers, representing the amount, in part or whole, of the wages or earnings of an employee, that was given, made or issued by him, them or it for payment of labor, and not redeemed by the said person, firm, partnership, corporation, or association, giving, making, or issuing the same, by paying to the employee or a member of his family the full face value of said order, check, divider, coupons, pass book, or other paper, representing an amount due for wages or earnings, in lawful money of the United States, within (30) days from the giving, making, or issuing thereof; the honoring, though, of said order, check, divider, coupon, pass book, or other paper, representing an amount due for wages or earnings, by a duly char-

tered bank, by the payment in lawful money of the United States, to the amount of said paper representing an amount due for wages or earnings, is a payment, and he, they or it shall, besides other requirements of law, pay into [the] treasury of the Commonwealth [twenty-five] (25) per centum on the face value of such orders, checks, dividers, coupons, pass books, or other paper, representing an amount due for wages or earnings, not redeemed as aforesaid; and in case any person, firm, partnership, corporation, or association shall neglect or refuse to make report, required by this section, to the auditor general, on or before the 1st day of December of each and every year, such person, firm, partnership, corporation, or association, so neglecting or refusing, shall, besides other requirements of law, pay as a penalty into the State treasury twenty-five (25) per centum, in addition to the twenty-five (25) per centum tax imposed as aforesaid in this section, on the face value of all such orders, checks, dividers, coupon[s], pass books, or other paper, representing an amount due for wages or earnings, not redeemed by paying the employee or a member of his family in lawful money of the United States, within said thirty (30) days, by the person, firm, partnership, corporation, or association making, giving, or issuing the same; the honoring of paper, representing wages or earnings, by a bank is a sufficient payment: *Provided*, This act shall not apply to tools and blasting material, and other mine supplies, furnished by the employer to the employee, used by the employee at or about the employee's vocation; "nor to coal sold by the employer to the employee, nor to rent for houses leased from the employer and occupied by the employee": *And provided further*, That this act shall not apply to moneys paid to the treasurers of the employees about coal mines, who have agreed to have a pro rata part of their earnings paid by the operator to such treasurers, who are to pay checkweighmen or check measurers.

Wages as preferred claims

SECTIONS 21488, 21489. *Transfer, etc., of business*.—[Money due for labor or service of any miner, mechanic, domestic servant, porter, hostler, seamstress, tailor, laborer, apprentice, etc., for a period of six months preceding the sale or transfer of the property of any person, company, or partnership, by execution or otherwise, on account of death or insolvency of the employer, shall be a lien to be paid first out of the proceeds of the sale of real and personal property, in an amount not exceeding \$200, claims to be filed within three months. Claims may be presented in writing at any time prior to actual sale.]

SEC. 21490. *Death, etc.*—[In cases of death, insolvency, or assignment, the lien of preference above mentioned shall extend to every property of the person or company concerned.]

SECS. 21491, 21492. *Priority*.—[The priority of such claims over other claims except those recorded before the work was done, and over coal lease mortgages, is provided for.]

SECS. 21493-21496. *Lumbermen's wages*.—[Laborers engaged in cutting, driving, etc., saw logs, or getting out square timber, bark, etc., have a preference for six months' wages earned prior to the death or assignment for benefit of creditors in case of death, assignment, or execution, the amount not to exceed \$200 for any one laborer. Owners must pay such amounts and charge the same to the contractors, if the work was done on contract.]

SEC. 21497. *Preference over rent*.—[The claims of laborers for wages have priority over a landlord's claims for rent, where the employer holds the property worked in or upon under lease.]

Suits for wages

SECTION 21498. *Priority of trial*.—[Claims for wages for manual labor only shall be listed for trial in advance of other civil causes in any court in the State.]

SEC. 21499. *Stay of execution*.—[No stay of execution shall be allowed in judgments for wages for manual labor in amounts not exceeding \$100.]

SEC. 21502. *Appeals*.—[A debtor taking an appeal from a judgment for wages for manual labor must declare that the appeal is not taken for delay but to remedy alleged injustice, and good and sufficient bail must be given to cover the debt and costs if the judgment below is affirmed.]

Payments of wages—Assignments

SECTION 21503. *Semimonthly pay day.*—Unless otherwise stipulated in the contract of hiring, each person, firm, or corporation employing any person, other than at an annual salary, shall pay to such person his or her earnings or wages semimonthly. The first payment shall be made between the first and fifteenth day of each month, and the second payment shall be made between the fifteenth and the last day of each month.

Sec. 21504. *Violations.*—Any person, firm, or corporation that shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof before any alderman, magistrate, or justice of the peace of the proper county shall be sentenced to pay a fine not exceeding one hundred dollars (\$100).

Sec. 21505. *Effect.*—Nothing in this act shall prohibit the payment of wages or earnings oftener than semimonthly.

Secs. 21509, 21510. *Assignments.*—[No assignment of future earnings is valid against the employer without his acceptance in writing. Assignments by a married man must have the written consent of the wife before such acceptance by the employer.]

Wages—Contributions to hospitals, etc.

SECTION 21513. *Orders to retain.*—It shall be the duty of any corporation, manufacturing establishment, or colliery to retain from and out of the wages or earnings of any person by them employed, on his written order, any contribution or voluntary subscription by such person, made in monthly or other payments, for the support of any hospital or other charitable institution, and the sum so retained to pay over upon demand to such hospital or other charitable institution; and any payment so made shall be as valid as if paid to the person by whom said wages or earnings were earned: *Provided*, That the hospital or charitable institution claiming the same shall give notice in writing at least ten days before the time for the payment of said wages or earnings to such corporation, manufacturing establishment, or colliery of the name or names of the person or persons by them employed who have subscribed to the support of such hospital or charitable institution and the amount by them severally subscribed, and when or how often payable and how long to continue, and file such subscription with said corporation, manufacturing establishment, or colliery.

PHILIPPINE ISLANDS

ACTS OF 1909

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

SECTION 50. *Rank.*—[Debts for personal services rendered by clerks, laborers, or domestic servants during the 60 days preceding action rank next after legal expenses, funeral expenses of the debtor, his wife, or dependent child, and debts due the insular, provincial, or municipal governments.]

ACTS OF 1916

ACT No. 2549.—*Company stores—Payment of wages*

SECTION 1 (as amended 1923, No. 3085). *Cocercion; use of tokens, etc.*—It shall be unlawful for any person, firm, or corporation engaged in any business or enterprise in the Philippine Islands in any manner to force, compel, or oblige any laborer or other employee employed by him to purchase merchandise, commodities, or personal property of any kind or nature from such person, firm, or corporation, or from any other person, firm, or corporation, or pay or cause to be paid the wages due a laborer or employee, or any part of said wages, by means of tokens, tickets, chits, or objects other than legal tender currency of the Philippine Islands: *Provided*, That any contract between employer and laborer by which the latter binds himself to accept payment of his wages or any part thereof in tokens, tickets, chits, or other objects, and any other contract between them the direct or indirect purpose of which shall be to defeat the purposes of this act, shall be null and void.

SEC. 1-a (added 1922, No. 3085). *Enforcement.*—It shall be the duty of the director of labor to investigate and inspect personally or through his delegates the manner in which laborers' wages are paid not only in the cities and other industrial centers but also on the plantations in the various parts of the islands, and to denounce any direct or indirect violation of this act observed in the course of such investigation or inspection.

SEC. 2 (as amended 1923, No. 3085). *Violations.*—[Violations are punishable by fines, 100 to 1,000 pesos (\$50 to \$500), or imprisonment one month to one year, or both.]

ACTS OF 1917

Provincial employees—Payment of wages

SECTION 2118. *Payment in kind.*—Money expendable for provincial improvements of any character may, when duly authorized by the provincial board, be used for purchasing rice or other necessities to be sold or paid in kind, without profit, to laborers actually engaged upon such improvements.

PORTO RICO

REVISED STATUTES AND CODES—1911

Payment of wages in scrip—Protection of employees as traders

SECTION 1667. *Scrip, etc., to be redeemable.*—It shall be unlawful for any corporation, company, firm, or person engaged in any trade or business, either directly or indirectly, to issue, sell, give or deliver to any person employed as laborer, journeyman or foreman, by such corporation, company, firm or person, in payment of wages due such laborer, or as advances for labor not due, any scrip [scrip], token, draft, check or other evidence of indebtedness, payable or redeemable otherwise than in lawful money; and, if any such scrip [scrip], token, draft, check or other evidence of indebtedness, be so issued, sold, given or delivered to such laborer, it shall be construed, taken, and held in all courts and places to be a promise to pay the sum specified therein in lawful money by the corporation, company, firm, or person issuing, selling, giving, or delivering the same to the person named therein, or to the holder thereof. And the corporation, company, firm, or person so issuing, selling, giving, or delivering the same shall, moreover, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$25, nor more than \$500, and, at the discretion of the court, the officer or agent of the corporation, company, or firm, or the person issuing, selling, giving, or delivering the same, may be imprisoned not less than 10 days nor more than 6 months.

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

CIVIL CODE

Employment of labor—General provisions

SECTION 1487 (as amended 1917, Vol. II, No. 12). *Termination of contract.*—A person employed for domestic service, whether for the personal service of the head of the family or for the general service of the household, whose service contract is for a specified time, may leave such service or be dismissed before the expiration of the term of the contract; but if the employer dismisses the employee subject to these conditions without sufficient cause, he shall indemnify said employee by paying him the wages due and those for 15 additional days.

SEC. 1493. *Workman can not recover, when.*—A person who has bound himself to give his labor or industry only can not demand any payment if the work is destroyed before it is delivered, unless there should have been delay in receiving the same, or if the destruction should have been due to the bad quality of the materials, provided that he may have given due notice of this circumstance to the owner.

SEC. 1495. *Work by piece.*—A person who binds himself to do a work by piece or by measure may demand of the owner that he receive it in installments, and that he pay therefor in proportion. The part paid for shall be presumed as approved and received.

SEC. 1502. *Earnings to be paid, when.*—Should there be no agreement or custom to the contrary, the price for the work must be paid upon delivery.

SEC. 1503. *Work may be retained.*—A person who has executed a work on personal property has the right to retain the same as a pledge until he is paid therefor.

CODE OF CIVIL PROCEDURE

Exemption of wages from execution

SECTION 249. *Amount exempt.*—[The earnings of a judgment debtor for 30 days prior to the levy are exempt if shown to be necessary for the support of a dependent family.]

ACTS OF 1917—VOLUME II

ACT No. 10.—*Suits for wages*

SECTION 1 (as amended 1923, No. 12). *Employee to file complaint.*—Whenever a worker or employee shall find it necessary to claim from his employer any sum as compensation for work or labor done for said employer, he may appear before the municipal court for the municipal judicial district where the employer resides, on date of the claim, and file a complaint against the said employer, which complaint shall be made out or filled in, as the case may be, by the judge or secretary of the court, the worker or employee setting forth therein under oath the facts upon which the claim is founded.

SEC. 1a (added 1923, No. 12). *Definitions.*—The word "worker" as used in this act shall comprise all manual laborers of either sex and such natural persons as may be employed in domestic services or occupations of both sexes, and the word "employee" shall comprise all kinds of artisans, employees, or clerks of business or industry, in the general acceptance of these last two words.

SECS. 2-14. *Rules.*—[Rules of procedure for hearings and appeals are given. Judgment is to be rendered within 24 hours after hearing, and judgment must direct payment within 5 days. No costs accrue in this class of cases. The commissioner of agriculture and labor is to be notified of the date of hearing, and he may intervene through any employee under him. Mere defect in form does not invalidate a complaint, and the widest possible latitude is to be allowed in the introduction of evidence.]

ACT No. 91.—*Contracts of labor—Payment of wages*

SECTION 1. *Cash; discounts.*—In all contracts entered into with laborers their wages shall be paid exclusively in legal tender of the United States, and if by special agreement, through custom or for any other reason, the laborer should receive prior to his regular pay day any advance payment in cash, it shall be lawful for the employer to discount such advance payment. When a labor contract stipulates that all or part of the wages shall be paid otherwise than in cash, the same shall be null so far as relates to the promise or agreement to pay wages otherwise than in legal tender of the United States.

SEC. 2. *Conditions of employment.*—Employers shall not impose, directly or indirectly, in person or through their agents, and as an express or implied condition for the employment of a laborer, any stipulation relative to the place where or the manner in which the laborer shall spend all or part of his wages, nor compelling him to live on the employer's property. Employers or their agents are also prohibited from dismissing a laborer for having spent his wages, wholly or in part, in any determined place or manner, or with a determined person, or because he does not live on the property of the employer or his agent.

SEC. 3. *Wages due weekly.*—The total amount of wages due a laborer shall be paid him in legal tender of the United States and not otherwise, at intervals not to exceed one week: *Provided*, That when a laborer is dismissed or retires from work during any day of the week, it shall be the duty of the employer to pay him on the following Saturday the amount of wages earned

during the days he has worked. All payments made to a laborer by an employer on account of wages, in merchandise or otherwise than in legal tender of the United States, shall be null.

SEC. 4. *Invalid defenses.*—In actions instituted by laborers against employers for the payment of wages due, the defendant can not allege delivery of merchandise on account of wages as a set-off for the reduction of the amount, nor that merchandise has been furnished him by a warehouse, depot, store, or other establishment belonging to such employer. Neither can the defendant file a counterclaim against the plaintiff for merchandise furnished the latter by another person upon order or instruction given to the defendant, his attorney in fact, or agent.

SEC. 5. *Invalid actions.*—Employers shall have no judicial action, nor shall they institute any judicial action against laborers, for merchandise sold, delivered, or furnished by them to said laborers while in their employ on account or for the amount of their wages, or furnished by any warehouse, depot, or store belonging to such employer.

SEC. 6. *Deductions.*—In cases where the employer or his attorney in fact makes an advance to the laborer in legal tender of the United States, he shall have the right to deduct the sum from the wages of the laborer. However, no retention of wages shall exceed the amount advanced. No employer shall deduct for any reason part of the wages earned by laborers, to be paid to other persons, except as provided in this section.

SEC. 7. *Definitions.*—For the purposes of this act, "employer" shall be understood to be any person utilizing or availing himself of the work of any laborer upon payment of wages; "laborer" shall be understood to be any person receiving wages for his work.

SEC. 8. *Violations.*—The violation of any of the provisions of this act shall constitute a misdemeanor; and subsequent violations of such provisions shall be punished by a minimum fine of \$50 or by imprisonment in jail for 30 days.

ACTS OF 1919

ACT No. 73.—*Employment of women and children—Overtime pay*

SECTION 1. *Hours of women.*—No woman shall be employed or allowed to work at any lucrative occupation during the hours between 10 o'clock at night and 6 o'clock in the morning, nor more than 8 hours during any natural day, nor more than 48 hours during any week: *Provided, however,* That the limitation of 8 hours may be extended not to exceed 9 hours during any natural day: *Provided,* That any woman so employed for wages during more than 8 hours in any natural day shall be paid for work done during such extra time at a rate double the rate paid her for the preceding 8 working hours; but in no case shall a woman be employed or allowed to work over 48 hours during any week.

This section shall not be applicable to women over 16 years of age employed as telephone operators, telegraphers, artists, nurses, or domestics.

RHODE ISLAND

GENERAL LAWS OF 1923

CHAPTER 248.—*Payment of wages*

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

SEC. 26. *Violations.*—[Penalty for violations is fine, \$100 to \$1,000, one-half thereof to complainant and one-half to State; provided complaint is made within 30 days.]

CHAPTER 352.—*Exemption of wages from execution*

SECTION 5. *Amount.*—[This section exempts from attachment on any writ the wages of seamen, and the salary or wages due any debtor not exceeding

the sum of \$10, unless the debt is for necessities, in which case the court may exercise discretion, and also the wages of the wife and minor children of the debtor.]

CHAPTER 390.—*Wages as preferred claims—In insolvency*

SECTION 58. *Rank*.—[Wages earned in the six months prior to proceedings, not over \$100 to each person, rank next after costs and expenses of proceedings, including attorneys' fees, and sums due the United States or the State or a municipality.]

SOUTH CAROLINA

CODE OF 1912

CIVIL CODE

Payment of wages earned within the State

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

Employment of labor

SECTION 3809. *Contracts to be witnessed, etc*.—All contracts made between owners of land, their agents, administrators, or executors, and laborers, shall be witnessed by one or more disinterested persons, and, at the request of either party, be duly executed before a magistrate whose duty it shall be to read and explain the same to the parties. Such contracts shall clearly set forth the conditions upon which the laborer or laborers engaged to work, embracing the length of time, the amount of money to be paid, and when; if it be on shares of crops, what portion of the crop or crops.

SEC. 3810. *Division of crops*.—[Whenever labor is performed under contract on share of crop or crops, such crop or crops shall be gathered and divided off before removal from the place where planted, harvested, or gathered. Such division may be made by a disinterested person selected by the parties; or if they fail to agree, or are dissatisfied with the divisions, by the nearest magistrate. A reasonable allowance must be made for such services. Debts owed by either party to the other may be paid off in the settlement as agreed or awarded.]

SEC. 3811. *Payment in money*.—Unless otherwise provided by special contract, all persons who employ laborers upon plantations or elsewhere, by the day, week, month, or year, shall pay such laborers or employees in lawful money.

SEC. 3812 (as amended 1919, No. 20). *Wages to be paid*.—When any corporation carrying on any business in this State in which laborers are employed, whose wages, under the business rule or custom of such corporation, are paid monthly or weekly on a fixed day beyond the end of the month or week in which the labor is performed, shall discharge any such laborer, the wages which have been earned by such discharged laborer shall become immediately due and payable. And if not so paid within 24 hours after written demand therefor, then such laborer shall recover in addition thereto a penalty of as much per day for the time said wages shall remain unpaid, not exceeding 30 days, as he was receiving at the time of his discharge.

SEC. 3813 (as amended 1915, No. 44). *Script, etc., to be negotiable*.—It shall not be lawful for any corporation, person, or firm in this State engaged in the manufacture of cotton goods, to issue or pay out, or circulate for payment of wages of laborers any order, check, memorandum, token, or evidence of indebtedness, payable in whole or in part otherwise than in lawful money of the United States, unless the same is negotiable and redeemable at its par value, without discount in cash or in goods, wares or merchandise, or supplies at the option of the holder at the store or other place of business of such firm, person, or corporation, or at the store of another person on whom such paper may be drawn where goods, wares, or merchandise are kept for sale or sold or exchanged, and the person who, or the corporation, firm, or company, which may issue any such order, check, memorandum, token, or other evidence of indebted-

ness, shall, upon presentation and demand, at the expiration of one week from date of delivery thereof, redeem the same in goods, wares, merchandise, or supplies at the current cash market price of like goods, wares, merchandise, or supplies, or in lawful money of the United States as may be demanded by the holder of any such order, memorandum, token, or other evidence of indebtedness: *Provided*, That if said corporation, person, or firm, engaged as specified in this section have a regular pay day once in every week, then said corporation, person, or firm shall not be required to redeem such token or evidence of indebtedness in cash until the first pay day after the same becomes payable as herein provided, and such token or evidence of indebtedness shall be presented for payment in cash only on such pay days: *Provided*, That the provisions of this section shall not apply to agricultural contracts or advances made for agricultural purposes.

SEC. 3814. *Failure to redeem orders, etc.*—Any officer or agent of any corporation or any person, firm, or company engaged in the business of manufacturing or mining in this State, who by themselves or agent shall issue or circulate in payment for wages of labor any order, check, memorandum, token, or evidence of indebtedness, payable in whole or in part otherwise than in lawful money of the United States without being negotiable and payable at the option of the holder in goods, wares, merchandise, supplies, or lawful money of the United States, as required by section 3813 or shall fail to redeem the same when presented for payment within 30 days from the date of delivery thereof, by the said company or its agent, at his or their office or place of business, in lawful money of the United States, or who shall compel or attempt to coerce any employee of any such corporation, shall forfeit to the employee or legal owner and holder of such order, check, memorandum, token, or evidence of indebtedness \$50 to be recovered in any court of competent jurisdiction: *Provided*, That in establishments for manufacturing lumber or brick such checks shall not be redeemable in cash except on regular pay days.

CODE OF CIVIL PROCEDURE ·

Exemption of wages from execution

SECTION 355. *Amount.*—[Earnings of a judgment debtor for 60 days prior to execution are exempt if it is made to appear that they are necessary for the support of a dependent family.]

CRIMINAL CODE

Payment of wages in scrip

SECTION 503. *Use of scrip payable at future time.*—Any person or persons who shall offer to any laborer or employee, at the time when the wages of such laborer or employee are due and payable by agreement, unless otherwise provided for by special contract, as compensation for labor, or services performed, checks, or scrips of any description, known as plantation checks, payable at some future time, or in the shops or stores of employers, in lieu of lawful money, shall be liable to indictment and punishment by a fine not exceeding \$200, or by imprisonment not exceeding one year, or both, according to the discretion of the court: *Provided*, The word "checks" herein shall not be construed so as to prohibit the giving of checks upon any of the authorized banks of deposit or issue in this State.

ACTS OF 1914

Act No. 399.—*Payment of wages—Railroad shop employees*

SECTION 1. *Semimonthly pay day.*—All railroad corporations doing business in this State shall pay their employees engaged in work in their shop semimonthly: *Provided*, That nothing contained in this act shall apply to railroads owning, leasing, or operating less than 35 miles in South Carolina.

SEC. 2. *Violations.*—Any railroad corporation violating the provisions of section 1 shall, upon conviction in any court of competent jurisdiction, be liable to a fine of not more than one hundred (\$100) dollars, or less than twenty-five (\$25) dollars.

ACTS OF 1915

Act No. 126.—*Scrip—Discounting*

SECTION 1. *Discounting forbidden.*—Any person, firm, or corporation who shall acquire any trade check, payable either in money or in merchandise, which has been given, directly or indirectly, for the payment of the wages of a laborer, for less than the actual par value at and in which said trade check is payable, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding one hundred (\$100) dollars, or by imprisonment not exceeding 30 days.

SEC. 2. *Penalty.*—Any person, firm, or corporation who shall acquire such trade check for less than its face value shall have no right to collect and enforce the payment thereof.

ACTS OF 1916

Act No. 546.—*Payment of wages—Weekly pay day in textile mills*

SECTION 1. *Weekly pay day required.*—All corporations engaged in textile manufacturing in this State shall have a regular pay day once in every week for the payment of the wages which have been earned by the laborers during the preceding week and any such manufacturing corporation refusing to have a weekly pay day shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100 nor more than \$200 for each offense.

ACTS OF 1922

Act No. 537.—*Payment of wages of textile employees*

SECTION 1. *Payment during work hours.*—From and after the approval of this act, every textile industry in this State, whether incorporated or otherwise, shall, on its regular pay day, pay its employees who work within the bounds of the premises owned, leased, controlled, or occupied by such textile industry during work hours.

SEC. 2. *Absent employee.*—Any employee not present to receive his or her wages in accordance with section 1 of this act shall at any time thereafter, upon demand, receive such wages as are due to him or her.

SEC. 3. *Violations.*—Any person, firm, or corporation violating the provisions of this act shall be liable for the payment of fifty (\$50) dollars penalty for each violation, to be recovered at the instance of the aggrieved party.

ACTS OF 1923

Act No. 148.—*Earnings of minors—Fraud*

SECTION 19. * * * *Failure to pay.*—Whenever any person, having a contract with any corporation, company, or person, for the manufacture or change of any raw material by the piece or pound, shall employ any minor to assist in the work upon the faith of and by color of such contract, with intent to cheat and defraud such minor, and, having secured the contract price, shall willfully fail to pay the minor when he shall have performed his part of the contract work, whether done by the day or by the job, the person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not more than \$50 or imprisoned not more than 30 days.

SOUTH DAKOTA

REVISED CODES—1919

Employment of labor—General provisions

[SECTIONS 1098, 1099, and 1102 are identical with secs. 7792, 7793, and 7796, respectively, of the Revised Code of Montana, p. 93.]

Suits for wages—Exemptions

SECTION 2668. *What exempt.*—[Only personal property absolutely exempt is exempt from process for laborers' or mechanics' wages.]

Exemption of wages from execution, etc.

SECTION 2703. *Amount.*—[Earnings of a judgment debtor for 60 days prior to the order are exempt from seizure if it is made to appear that such earnings are necessary to the support of a dependent family.]

Wages as preferred claims—In administration, etc.

SECTION 3407. *Rank.*—[Wage debts of servants and employees for 60 days prior to the death of the employer rank next after funeral expenses, the expenses of the last sickness, and expenses of administration.]

ACTS OF 1919

CHAPTER 297.—*Payment of wages—Semimonthly pay day—Railroads*

SECTION 1. *Time of payment.*—Every person, firm, or corporation operating a public-service railroad in the State of South Dakota, shall, on or before the first day of each calendar month, pay all their employees engaged in the performance of either manual or clerical labor the wages earned by them during the first half of the preceding month ending with the 15th day thereof, and shall, on or before the 15th day of each calendar month, pay such employees the wages earned by them during the last half of the preceding month: *Provided, however,* That if at any time of payment an employee shall be absent from his or her regular place of labor and shall not receive his or her wages through a duly authorized representative, such person shall be entitled to said payment at any time thereafter upon demand upon the proper paymaster at the place where wages are usually paid and where such pay is due: *Provided,* Nothing herein contained shall be construed to interfere with the daily or weekly payment of wages.

SEC. 2. *Violations.*—Any person, firm, or corporation violating any of the provisions of this act shall be punished by a fine of not less than \$25 nor more than \$100.

TENNESSEE

THOMPSON'S SHANNON'S CODE—1918

Exemption of wages from execution

SECTION. 3794. *Amount exempt.* [Ninety per cent of wages or salary of \$40 per month or less or \$36 out of any larger monthly salary or wage shall be exempt from execution, etc., to any resident of the State who is 18 years of age or who is the head of a family; and no attachment or garnishment shall affect future earnings, but only such sums as are already earned.]

SEC. 3794a. *Earnings outside of State.*—[Wages earned and payable outside the State are exempt from attachment where the cause of action arose outside of the State.]

Payment of wages

SECTION 4339. *Monthly pay day.*—All persons, firms, corporations engaged in constructing and building railroads, or in mining coal, ore, or other minerals, or mining and manufacturing them, or either of them, or manufacturing iron or steel, or both, or any other kind of manufacturing, shall pay their laborers and employees the amounts due them for their work or service in lawful money of the United States, or by cash order as described and required in section 4342, and shall adjust accounts with their laborers and employers at least once in every 30 days.

SEC. 4340. *Provisos.*—If the employer and employee fail, in their adjustment, to agree upon the amount due the laborer, and the courts have to settle the question in controversy, the penalty herein provided shall not apply.

SEC. 4341. *Claim may be assigned.*—Nothing herein contained shall affect the right of such laborer or employee to assign, in whole or in part, his claim against his employer.

SEC. 4341a. *Assignments.*—[Wage assignments to be valid must have been assented to by the employer, in writing, at the time of execution.]

SEC. 4342. *Scrip to be redeemable.*—It shall not be lawful for any person, firm, company, or corporation engaged in the business set forth in section 4339, or for their clerk, agent, officer, or servant, to issue for payment of labor any order or other paper whatever, unless the same purports to be redeemable for its face value in lawful money of the United States, bearing interest at legal rate, made payable to employee or bearer, and redeemable by the person, firm, company, or corporation giving, making, or issuing the same; and any person, firm, company, or corporation engaged in the business aforesaid, their clerks, agents, officers, or servants, who shall be guilty of a violation of section 4339 or this section, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding \$200 and not less than \$50 in the discretion of the court.

SEC. 4342a. *Redemption.*—All persons, firms, corporations, and companies using coupons, scrip, punch outs, store orders, or other evidences of indebtedness to pay their or its laborers and employees, for labor or otherwise, shall, if demanded, redeem the same in the hands of such laborer, employee, or bona fide holder in good and lawful money of the United States: *Provided*, The same is presented and redemption demanded of such person, firm, company, or corporation using same as aforesaid, at a regular pay day of such person, firm, company, or corporation to laborers or employees, or if presented and redemption demanded as aforesaid by such laborers, employees, or bona fide holders at any time not less than 30 days from the issuance or delivery of such coupon, scrip, punch out, store order, or other evidences of indebtedness to such employees, laborers, or bona fide holder. Such redemption to be at the face value of said scrip, punch out, coupon, store order, or other evidence of indebtedness: *Provided, further*, Said face value shall be in cash the same as its purchasing power in goods, wares, and merchandise at the commissary company store or other repository of such company, firm, person, or corporation aforesaid.

SEC. 4342a-1. *Right of action.*—Any employee, laborer, or bona fide holder referred to in section 1 of this act, upon presentation and demand for redemption of such scrip, coupon, punch out, store order, or other evidence of indebtedness aforesaid, and upon refusal of such person, firm, corporation, or company to redeem the same in good and lawful money of the United States, may maintain in his, her, or their own name an action before any court of competent jurisdiction against such person, firm, corporation, or company using same as aforesaid for the recovery of the value of such coupon, scrip, punch out, store order, or other evidence of indebtedness, as defined in section 1 of this act, and if plaintiff obtains judgment in such case, it shall include a penalty of 25 per cent, and a reasonable fee for the plaintiff's attorney for his services in the suit, all of which, as well as the costs, shall be taxed against the defendant.

SEC. 4342a-2. *Act construed.*—Nothing herein in this act contained is to be so construed as to legalize the issuance or use of scrip. * * *

SEC. 4342a-2a. *Pay days established.*—All wages or compensation of employees in private employments shall be due and payable as follows, that is to say, all such wages or compensation earned and unpaid prior to the first day of any month, shall be due and payable not later than the twentieth day of the month following the one in which such wages were earned; and all wages or compensation earned and unpaid prior to the sixteenth day of any month, shall be due and payable not later than the fifth day of the succeeding month.

The words "private employment" used in this act shall mean and include all employments except those under the direct management, supervision, and control of the State of Tennessee, any county, incorporated city or town, or other municipal corporation or political subdivision of the State of Tennessee, or any officer or department thereof.

But nothing contained herein shall be construed as prohibiting the payment of wages at more frequent periods than semimonthly: *Provided*, That this act shall apply only to private employments where twenty or more employees are employed.

SEC. 4342a-2a1. *Notice to be posted.*—Every employer shall establish and maintain regular pay days as herein provided, and shall post and maintain notices, printed or written in plain type or script, in at least two conspicuous places where said notices can be seen by the employees as they go to and from the work, setting forth the regular pay day as herein prescribed.

SEC. 4342a-2a2. *Payment in money.*—The payment of wages or compensation of employees in the employments defined herein, shall be made in lawful money of the United States or by a good and valid negotiable check or draft, payable on presentation thereof, at some bank or other established place of business without discount, exchange, or cost of collection in lawful money of the United States, and not otherwise.

SEC. 4342a-2a3. *Absent employees.*—In case an employee in any such employment shall be absent from the usual place of employment at the time said payment shall be due and payable as hereinabove provided, he shall be paid the wages or compensation within a reasonable time after making a demand therefor.

SEC. 4342a-2a4. *Violations.*—Every person, partnership, or corporation willfully failing or refusing to pay the wages of any employee at the time and in the manner provided in this statute shall forfeit to the State of Tennessee the sum of \$25 for each and every such failure or refusal, and suits for penalties accruing under this act shall be brought in any court having jurisdiction of the amount in the county in which the employee should have been paid, or where employed. Such suit shall be instituted at the direction of the chief of the department of workshop and factory inspection by the district attorney general, or under his direction, for the county or district in which suit is brought.

SEC. 4342a-2a5. *Enforcement.*—The department of workshop and factory inspection shall enforce the provisions of this act.

Protection of employees in choice of physicians

SECTION 6879. *Restrictions as to employment of physicians.*—It shall be unlawful for any manufacturer, firm, company, or corporation, their agents, clerks, or superintendents in this State, to dictate or in any manner interfere with any employee or laborer in their rights to select their own family physician.

SEC. 6880. *Company doctor.*—It shall be unlawful for any such manufacturer, firm, company, or corporation, their agents, clerks, or superintendents, to retain or withhold any part or portion of the wages due to any such employee or laborer for the avowed purpose of paying the salary of any person claiming to be the "company doctor" without the full consent of such employee or laborer; and the whole amount of any such wages so retained by consent shall be paid to said company doctor or other physicians employed by said employees.

SEC. 6881. *Penalty.*—Any agent, clerk, or superintendent of any such firm, company, or corporation violating the provisions of this article, shall be guilty of a misdemeanor, and, upon conviction in any of the courts of the State having jurisdiction, shall be fined not less than \$10.

Protection of employees as traders—Company stores

SECTION 6882. *Withholding wages.*—It shall not be lawful for any manufacturer, firm, company, or corporation, their agents, clerks, or superintendents, in this State who own or control a store for the sale of general store goods or merchandise in connection with their manufacturing or other business, to attempt to control their employees or laborers in the purchase of store goods and supplies at the aforesaid store, by withholding the payment of wages longer than the usual time of payment, whereby the employee would be compelled to purchase supplies at said manufacturer's, firm's, company's, or corporation's store.

SEC. 6883. *Misdemeanor; fine.*—Any manufacturer, firm, company, or corporation offending against the provisions of the last section, the same shall be a misdemeanor, and, on conviction in any court having jurisdiction thereof, fined not exceeding \$50.

ACTS OF 1921

CHAPTER 29.—*Garnishment of wages of municipal employees*

SECTION 1. *May be garnished.*—[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.]

TEXAS
CONSTITUTION

ARTICLE 16.—Exemption of wages from garnishment

SECTION 28. *Current wages exempt.*—No current wages for personal service shall ever be subject to garnishment.

REVISED CIVIL STATUTES—1911

Exemption of wages from garnishment

ARTICLE 306. *Current wages exempt.*—No current wages for personal service shall be subject to garnishment; and where it appears upon the trial that the garnishee is indebted to the defendant for such current wages, the garnishee shall nevertheless be discharged as to such indebtedness.

Wages as preferred claims—In receiverships

ARTICLE 2135. *Rank.*—[Wage payments in receiverships rank next after costs of the suit.]

Suits for wages—Attorneys' fees

ARTICLE 2178. *Fee allowed, when.*—[If wages are not paid 30 days after demand, suit may be brought in the proper county; and if the full amount of the demand is recovered, all costs may be recovered, and if an attorney is employed a reasonable fee, not over \$20, to be fixed by the court or jury.]

Exemption of wages from attachment, etc.

ARTICLE 3785. *Current wages.*—[Current wages for personal service are exempt to every family from any species of forced sale.]

ART. 3788. *Same.*—[This makes the same provision for persons not constituents of a family.]

ART. 3793. *Exceptions.*—[Claims for rent, landlord's advances, and debts secured by liens are not affected by the above exemptions.]

Wages of railroad employees—Notice of reduction

ARTICLE 6620. *Notice required.*—All persons in the employment of such railway company [any railroad company or corporation] shall be entitled to receive thirty days' notice from said company before their wages can be reduced by such company; and, in all cases of reduction, the employee shall be entitled to receive from such company wages at his contract price for the full term of thirty days after such notice is given, to be recovered in any court of competent jurisdiction.

ART. 6621. *Form, etc., of notice.*—The notice referred to in the preceding article is declared to mean thirty full days immediately prior to the day upon which such reduction is to take effect, and may be given by posting written or printed handbills, specifying the parties whose wages are to be reduced and the amount of such reduction, in at least three conspicuous places in or about each shop, section house, station, depot, train, or other places where said employees are at work: *Provided*, Such employee shall, within 15 days from the date of such notice, inform such railway company, by posting like notices as given by such railway company, whether he will or will not accept such reduction; and, if no such information is given such company by such employee, then such employee shall forfeit his right to such notice, and such reduction shall take effect from the date of such notice, instead of at the expiration of 30 days.

ART. 6622. *Penalty.*—Any railway company violating or evading any of the provisions of the preceding article[s] shall pay to each employee affected thereby one month's extra wages, to be recovered by such employee in any court of competent jurisdiction.

REVISED CRIMINAL STATUTES—1911

Protection of employees as traders

ARTICLE 1197. Restriction forbidden.—It shall be unlawful for any person or persons, corporation, or firm, or any agent, manager, or board of managers, or servant of any corporation or firm in this State to coerce or require any servant or employee to deal with or purchase any article of food, clothing, or merchandise of any kind whatever from any person, association, corporation, or company, or at any place or store whatever. And it shall be unlawful for any such person or persons, or agent, manager, or board of managers, or servants to exclude from work or to punish or blacklist any of said employees for failure to deal with any such person or persons, or any firm, company, or corporation or to purchase any article of food, clothing or merchandise whatever at any store or any place whatever.

ART. 1198. Violations.—[Violations entail fine, not less than \$50 nor more than \$200, for each offense.]

ACTS OF 1915

CHAPTER 25.—*Payment of wages—Semimonthly pay day*

SECTION 1. Scope of law.—From and after January 1, 1916, each and every manufacturing, mercantile, mining, quarrying, railroad, street railway, canal, oil, steamboat, telegraph, telephone, and express company, employing more than 10 persons, and each and every water company not operated by a municipal corporation, and each and every wharf company, and every other corporation engaged in any business within the State of Texas, which employs more than 10 persons, or any person, firm or corporation engaged in or upon any public work for the State or for any county or any municipal corporation thereof, either as a contractor or a subcontractor, therewith, shall pay each of its employees the wages earned by him or her as often as semimonthly and pay to a day not more than 16 days prior to the day of payment.

An employee who is absent at the time fixed for payment, or who for any other reason is not paid at that time, shall be paid thereafter on six days' demand, and any employee leaving his or her employment, or discharged therefrom, shall be paid in full on six days' demand.

SEC. 2. Violations.—Every person, partnership, or corporation, willfully failing or refusing to pay the wages of any employee at the time and in the manner provided in this statute shall forfeit to the State of Texas the sum of \$50 for each and every such failure or refusal, and suits for penalties accruing under this act shall be brought in any court having jurisdiction of the amount in the county in which the employee should have been paid, or where employed. Such suits shall be instituted at the direction of the commissioner of labor statistics by the attorney general or under his direction or by the county or district attorney for the county or district in which suit is brought; and the attorney bringing any such suit shall be entitled to receive and shall receive as compensation for his service therein \$10 of the penalty or penalties recovered in such suit, and the fees and compensation so allowed shall be over and above the fees allowed to the attorney general, county or district attorneys under the general fee act.

SEC. 3. Enforcement.—It shall be the duty of the commissioner of labor statistics to inquire diligently for violations of this act and institute prosecutions and see that the same are carried to final termination and generally to see to the enforcement of the provision[s] hereof.

CHAPTER 56.—*Employment of women—Overtime pay*

SECTION 1. Nine-hour day.—No female shall be employed in any factory, mine, mill, workshop, mechanical or mercantile establishment, laundry, hotel, restaurant or rooming house, theater or moving-picture show, barber shop, telegraph, telephone, or other office, express or transportation company, or any State institution, or any other establishment, institution, or enterprise where females are employed, except as hereinafter provided, for more than nine hours in any one calendar day, nor more than 54 hours in any one calendar week: *Provided, however,* That in case of extraordinary emergencies, such as great public calamities, or where it becomes necessary for the protection

of human life or property, longer hours may be worked, but for such time not less than double time shall be paid such female, with the consent of the said female: *Provided*, This act shall not apply to stenographers and pharmacists.

SEC. 1a. *Work in laundries.*—No female shall be employed in any laundry for more than 54 hours in one calendar week; the hours of such employment to be so arranged as to permit the employment of such female at any time so that she shall not work more than a maximum of 11 hours during the 24 hours' period of one day: *Provided*, That if such female is employed for more than nine hours in any one day she shall receive pay at the rate of double her regular pay for such time as she is employed for more than nine hours per day.

SEC. 1b. *Ten-hour day.*—No female shall be employed in any factory engaged in the manufacture of cotton, woolen, or worsted goods or articles of merchandise manufactured out of cotton goods for more than 10 hours in any one calendar day, nor for more than 60 hours in any one calendar week.

Provided, That if such female is employed for more than nine hours in any one day she shall receive pay at the rate of double her regular pay for such time as she may be employed for more than nine hours per day.

UTAH

COMPILED LAWS—1917

Wages as preferred claims in assignments

SECTION 296. *Rank.*—[Wages not to exceed \$400 each, earned in the preceding 5 months by workmen, clerks, salesmen, and servants, rank ahead of the claims of any other creditor of an assignor. Officers, general managers, and members of associations or partnerships are not entitled to this preference.]

Deductions from wages for political purposes

SECTION 2379. *Forced contributions.*— * * * No corporation, public or private, shall deduct or in any manner withhold any salaries or part of salaries from its employees for political campaign expenses incurred in the past, present, or to be incurred in the future. * * *

Wages as preferred claims—In receiverships, etc.

SECTION 3684. *Rank.*—[This section provides the same preference in receivership as made for assignments by section 296.]

SECS. 3685, 3686. *Procedure; costs.*—[These sections relate to procedure and provide that costs shall be allowed the prevailing party in case of a contest of any claim submitted.]

Suits for wages—Attorney's fees

SECTION 3687. *Fee allowed, when.*—[In a suit for wages, if the claimant shows that at least 15 days before bringing suit a demand was made in writing for a sum not greater than the amount recovered, an attorney's fee will be taxed as costs, not over \$5 in a justice's court, or \$10 in a district court, except in cases appealed from a justice's court, when \$25 will be allowed.]

Garnishment of wages of public employees

SECTION 6754. *Allowance.*—[Wages owed an employee of the State or a subdivision are subject to garnishment, attachment, etc., as in case of other persons.]

Exemption of wages from execution, etc.

SECTION 6923. *Child's earnings.*—[The earnings of a minor child of a debtor are exempt from execution unless the debt was incurred for the special benefit of the child.]

SEC. 6925.—*Amount exempt.*—[One-half the earnings of a judgment debtor, earned within 30 days next preceding the levy, is exempt, on a showing that

it is necessary for the support of his family, resident in the State. If the earnings are \$2 a day or less, \$30 per month are exempt.]

Wages as preferred claims—In administration

SECTIONS 7666, 7667. *Rank.*—[Wage debts come next after funeral expenses, expenses of last sickness, the family allowance, and costs of administration.]

Protection of employees as traders, etc.

SECTION 8513. *Influencing employees in choice of boarding house, etc.*—Every person, body corporate, agent, manager, or employer doing business in the State of Utah who, by coercion, intimidation, threats, or undue influence, compels his employees to board at a particular boarding house, or to trade with or at a particular store, shall be deemed guilty of a misdemeanor.

ACTS OF 1919

CHAPTER 71.—*Payment of wages*

SECTION 1. *Payment on discharge.*—Whenever an employer discharges an employee, the wages earned and unpaid at the time of such discharge shall become due and payable immediately. When any such employee not having a contract for a definite period quits or resigns his employment the wages earned and unpaid at the time of such quitting or resignation shall be due and payable at the employee's next regular pay day.

SEC. 2. *Semimonthly pay day.*—All wages, other than those mentioned in section 1 of this act, earned by any person, shall be due and payable at least twice in each month, and no person, firm, or corporation for whom such labor has been performed shall withhold from any such employee any wages so earned or unpaid for a longer period than 10 days after such wages become due and payable: *Provided, however,* That nothing herein shall in any way limit or interfere with the right of any employee to accept from any person, firm, or corporation wages earned and unpaid for a shorter period than 10 days.

SEC. 3. *Penalties.*—In the event that an employer shall fail to pay, without abatement or authorized deduction, then the same shall become due under the provisions of section 1 of this act, any wages of an employee who is discharged or who resigned or quits, as in said section 1 provided, then, as a penalty for such nonpayment, the wages of such servant or employee shall continue from the due date thereof at the same rate until paid: *Provided,* That in no case shall such wages continue for more than 10 days: *And provided further,* That no such employee who secretes or absents himself to avoid payment to him, or refuses to receive the same when fully tendered, shall be entitled to any benefit under this act for such time as he so avoids payment. In the happening of any strike, the unpaid wages of striking employees earned prior to the strike shall become due and payable upon the employer's next regular pay day, and, if then paid or tendered, the provisions of this section shall have no application.

SEC. 4. *Times of payment.*—All wages or compensation of employees in private employments shall be due and payable semimonthly; that is to say, all such wages or compensation earned and unpaid prior to the first day of any month shall be due and payable not later than the 10th day of the month following; and all wages or compensations earned and unpaid prior to the 16th day of any month shall be due and payable not later than the 25th day of the same month. The words "private employments" as used in this act shall mean and include all employments other than those mentioned in section 8 hereof and those under the direct management, supervision, and control of the State of Utah, any county, city and county, incorporated city or town, or other municipal corporation or political subdivision of the State of Utah, or any officer or department thereof. But nothing contained herein shall be construed as prohibiting the payment of wages at more frequent periods than semimonthly.

SEC. 5. *Medium.*—The payment of wages or compensation of employees in the employments defined herein shall be made in lawful money of the United States, or by a time check which is paid when presented at the office or by a good and valid negotiable check or draft, payable on presentation thereof at

some bank or other established place of business, located in this State, without discount, in lawful money of the United States, and not otherwise.

Sec. 6. *Absent employees.*—In case an employee in any said employment shall be absent from the usual place of employment at the time said payment shall be due and payable as hereinabove provided he shall be paid the wages or compensation within five days after making demand therefor.

Sec. 7. *Violations.*—Any person or any agent of any person, copartnership, association, or corporation who shall willfully refuse to pay the wages due and payable when demanded, as herein provided, or shall falsely deny the amount or validity thereof, or that the same is due, with intent to secure, for himself or any other person, any discount upon such indebtedness, or with intent to annoy, or harass, or oppress, or hinder, or delay, or defraud the person to whom said indebtedness is due, shall be guilty of a misdemeanor: *Provided*, That in any prosecution under this section any judgment rendered in a civil action brought to recover wages claimed to be due shall not be admitted in evidence as proof of said intent.

Sec. 8. *Exemptions.*—None of the provisions of this act shall apply to the State, or to any county, city and county, incorporated city or town, or other municipal corporation, or to employers and employees engaged in farm, dairy, agricultural, viticultural, or horticultural pursuits, banks, and mercantile houses (or other employment where an agreement exists between an employer and employee providing for different terms of pay), in stock or poultry raising, or in household domestic service.

Sec. 9. *Enforcement.*—The State industrial commission shall enforce the provisions of this act.

VERMONT

GENERAL LAWS—1917

Exemption of wages from garnishment—Assignments

SECTION 1944 (as amended 1919, No. 74). *Amount exempt.*—[Only wages in excess of \$10 for work done prior to proceedings may be garnished; and the earnings of a defendant's wife or minor children are exempt. Wages of an employee residing and rendering service outside the State are similarly exempt if the law of the State of his residence provide exemption in an equal amount.]

Sec. 1945. *Debts due employees.*—[Where a principal defendant owes workmen for services under the contract out of which the indebtedness arises, the amount of such debts shall be exempt from process.]

Sec. 1946. *Future earnings.*—[Assignments of future earnings are not valid as against process unless made in writing to secure the payment of a prior or concurrently contracted debt, or of a debt for necessities to be thereafter furnished. Such assignment must be recorded in the office of the town clerk.]

Suits for wages—Property worked on not exempt—Attachments

SECTION 2439. *Exemptions.*—[This section declares the exemptions allowed a judgment debtor, but provides that no personal property is exempt from attachment on account of money owed for material or labor expended thereon.]

Sec. 2824. *Rank of attachments.*—If a person or company is compelled to stop business by reason of attachment upon mesne process, and does not resume business within thirty days, and is indebted to an employee for wages, said employee may attach the same property upon his debt, and the attachment shall take precedence over such prior attachment to an amount not exceeding fifty dollars, if made before sale thereof on execution.

Wages as preferred claims

SECTION 3376. *Administration.*—[Wages due workmen, clerks, or servants, earned within 3 months prior to the employer's death, and not exceeding \$50 to each claimant, rank ahead of debts due other creditors, but after funeral expenses, the cost of a headstone not exceeding \$25, expenses of the last sickness, taxes, and debts due the State and the United States.]

Sec. 4970. *Mortgage on corporation property.*—[No mortgage or lien on the property of a corporation can supersede the claims of wage earners for wages earned within the 3 months prior to the filing of such mortgage or lien. Em-

ployees receiving not over \$1,500 per year are within the provisions of this section.]

Railroad construction—Wage debts of contractors

SECTION 5153. *Liability of corporations.*—[Railroad corporations must require of contractors for construction security for the wage debts of such contractors; and if wages are not paid, the corporation is liable on presentation of any claim of a day laborer within 40 days after the performance of the labor for which the claim is made.]

Payment of wages

SECTION 5851. *Employee.*—The word “employee” as used in the four following sections, shall mean a mechanic, workingman, or laborer who works for hire.

Sec. 5852. *Weekly payments.*—A mining, quarrying, manufacturing, mercantile, telegraph, telephone, railroad, or other transportation corporation, and an incorporated express, water, electric light, or power company, doing and transacting business within the State, shall pay each week, in lawful money, each employee engaged in the business, the wages earned by such employee to a day not more than six days prior to the date of such payment: *Provided*, That if at any time of payment an employee is absent from his regular place of labor, he shall be entitled to such payment upon demand.

Sec. 5853. *Payment in scrip, etc.*—Such a corporation shall not pay its employees in scrip, vouchers, duebills, or store orders, unless it is a cooperative corporation in which the employee is a stockholder; but such cooperative corporation shall, upon request of any such share-holding employee, pay him as provided in the preceding section.

Sec. 5854. *Assignment of future wages.*—An assignment of future wages payable under the provisions of the second preceding section shall not be valid, if made to the corporation from whom such wages are to become due, or to anyone in behalf of such corporation, or if made or procured to be made to anyone for the purpose of relieving such corporation from the obligation to pay under the provisions of the second preceding section. Such a corporation shall not require an agreement from an employee to accept wages at any other period as a condition of employment.

Sec. 5855. *Penalty; procedure.*—Such a corporation, its lessee, or other person carrying on the business thereof, that fails to pay the wages of an employee as provided by the second and third preceding sections shall forfeit to the State \$50 for each such failure, to be recovered in an action of tort, on this statute, by the State's attorney of the county in which such violation occurs, and in his name; but an action shall not be maintained therefor, until the State's attorney has given the employer 10 days' notice in writing that such action will be brought if the wages are not paid as provided by such sections.

Sec. 5856. *Redemption of checks, etc.*—A person, partnership, or corporation using checks, other than bank checks, slips, duebills, or other device to represent money in the payment of wages or other debt or obligation due an employee or servant of such person, partnership, or corporation, shall pay the face value thereof to the holder in money of account, on the regular pay day of such person, partnership, or corporation; and such obligations shall be redeemable at intervals of not more than one month. If such employee or servant is discharged during the month, such checks, slips, duebills, or other device shall be redeemed at their face value in money of account on the day of his discharge.

Sec. 5857. *Forfeiture.*—A person, partnership, or corporation refusing to redeem such obligations, as provided in the preceding sections, shall forfeit to the person injured twice the value thereof, to be recovered in an action of tort, on this statute.

Wages as preferred claims—In insolvency

[This law, though not reproduced in the General Laws, is said still to be in force. See G. L., p. 497. The provision here noted is found in sec. 2513, Pub. Stats. 1906.]

Rank.—[Wages, not in excess of \$50, for work done within the six months prior to the adjudication, rank next after costs, and debts and taxes due the United States and the State.]

VIRGINIA

CODE OF 1919

Payment of wages

SECTION 1818 (as amended 1918, ch. 389). *Who to pay semimonthly.*—All persons, firms, corporations, or associations in this Commonwealth engaged in operating railroad shops, maintaining railroad and steamship offices, mining coal, ore, or other minerals, or mining and manufacturing them, or either of them, or manufacturing iron or steel, or both, or any other kind of manufacturing, shall pay their employees engaged in the employments aforesaid as provided in this act.

All persons, firms, companies, corporations, or associations engaged in any of the business aforesaid shall regularly settle with such employees at least twice in each month, and at such times pay them the amounts due them for their work or services in lawful money of the United States, or by check, or by cash order, as described and required in section 3 of this act: *Provided*, That nothing herein contained shall affect the right of any employee to assign the whole or any part of his claim against his employer: *Provided, however*, That the semimonthly payment of wages requirement of this act shall not apply to excelsior mills or sawmills; but the employers of labor engaged in such enterprises shall settle with their employees at least once in each month.

SEC. 1819 (as amended 1918, ch. 389). *Orders.*—It shall not be lawful for any person, firm, company, corporation, or association, engaged in the business aforesaid, their clerk, agent, officer, or servant in this State to issue for payment of such labor at such times any order or other payment whatever unless the same purports to be payable or redeemable for its face value in lawful money of the United States, such order to be made payable on demand and without condition to employees, or bearer, bearing interest at legal rate, and redeemable by the person, firm, company, corporation, or association giving, making, or issuing the same. Any such person, firm, company, corporation, or association engaged in any of the business aforesaid, at other times than at such regular settlements upon the faith and credit of labor to be performed or performed but not to be paid for under the contract of hiring until a future date, may in payment or in part payment therefor, upon request of any employee, issued to such employees nontransferable orders upon himself or itself, or upon another, payable in merchandise only or nontransferable coupons or tokens payable and redeemable in merchandise only: *Provided*, That upon or in the face of each such order or upon or in the holder or container to which such coupons or tokens are attached there is legibly and plainly written or printed the binding promise of such employer to pay such employee in lawful money of the United States or by check the unused portion or part, if any, of such order in his possession or the unused coupons or tokens, if any in such holder or container in his possession, upon demand and upon surrender thereof by him, at such regular settlement date, not later than one month from the date thereof. Any person, firm, company, corporation, or association, engaged in the business aforesaid, their clerks, agents, officers, or servants, who shall issue for payment of labor any paper or order, other than the ones herein specified, or who shall, upon demand and surrender thereof by an employee refuse to pay for or issue check to such employee for such unused part or portion of such nontransferable order or unused nontransferable coupon or token at such regular settlement date, in violation of this section, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding \$100, in the discretion of the court.

SEC. 1820 (as amended 1918, ch. 389). *Company stores.*—It shall be unlawful for any person, firm, company, corporation, or association engaged in operating railroad shops, maintaining railroad and steamship offices or mining or manufacturing, or either of them, as aforesaid, and who shall likewise be either engaged or interested directly or indirectly, in merchandising, as owner or otherwise, in any money per centum profit or commission arising from the sale of any such merchandise, their clerks, servants, officers, or agents to knowingly or willfully sell, or cause to be sold, to any such employees any goods, merchandise, or supplies whatever for a greater per centum of profit than merchandise and supplies of like character, kind, quality, and quantity are sold to other customers, buying for cash and not employed by them; and shall any person or member of any firm, company, corporation, or association,

his or their clerk, agent, or servant violate this act, they shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding \$100, in the discretion of the court.

Rates of wages of laborers at salvage

SECTION 3604. *How rate determined.*—The laborers employed in saving such property shall be paid a reasonable sum for their services. If the parties interested do not agree on what is to be so paid, the owner of the property or his agent may choose one person, and the commission of wrecks another, to determine what is to be paid said laborers and their award, or if they disagree the award of an umpire chosen by them, being made in writing, shall be binding on the said laborers and the owner.

Suits for wages—Exemptions—Garnishment

SECTION 6531. *Heads of families.*—[Exemptions allowed heads of families do not extend to debts owed for services rendered by a laboring person or mechanic.]

SEC. 6555. *Wage exemptions.*—[Wages due a laboring man who is head of a family are exempt from execution, etc., in an amount not exceeding \$50 per month.]

SEC. 6558. *Minors.*—[The wages of minors are not subject to garnishment, etc., for the debts of parents.]

SECS. 6559, 6560. *Public employees.*—[Wages and salaries of employees of the State, other than State officers, are subject to garnishment unless otherwise exempted, the customary process being served on the person charged with the payment of such wages or salary.]

ACTS OF 1922

CHAPTER 268.—*Payment of wages due deceased employees*

SECTION 1. *Payment to next of kin.*—* * * When there is due from any employer to a deceased employee, upon whose estate there has been no qualification, a sum not exceeding \$300, it shall be lawful for such * * * employer, after 120 days from the death of said person, to pay said balance to his next of kin, whose receipt therefor shall be a full discharge and acquittance * * *

WASHINGTON

REMINGTON & BALLINGER'S CODES AND STATUTES—1910

Suits for wages—Exemptions—Preferences

SECTION 533. *Homesteads.*—[Homesteads are subject to execution in satisfaction of judgments for mechanics and laborers' liens.]

SEC. 637. *Wages exempt.*—[The earnings of a judgment debtor for 60 days next preceding action are exempt from execution if shown to be necessary for the support of a dependent family.]

SEC. 703. *Garnishment.*—[Current wages for personal service to the amount of \$100 are exempt from garnishment where the debtor has a dependent family; but if the debt is for necessaries furnished the defendant or his dependents the exemption shall not exceed \$10 out of each week's salary or wages for not more than 4 consecutive weeks.]

SEC. 1204. *Preference in assignments.*—[Wages earned within 60 days preceding an assignment or insolvency proceedings, not exceeding \$100 each, are to be paid before any other claims.]

SEC. 1205. *Administration.*—[In case of death, wages earned in the 60 days prior thereto, not exceeding \$100 in amount, rank next after funeral expenses, expenses of last sickness, of administration, and allowances to the widow and children. (See sec. 1568, below.)]

SEC. 1206. *Executions, etc.*—[In cases of executions, attachments, etc., for other than for labor done, claims for wages for 60 days, not over \$100, are to be paid first from the proceeds of the sale.]

SEC. 1568. *Decedents.*—[In settling estates of deceased employers, wage claims for labor performed within 90 days preceding the death are to be paid after funeral expenses, expenses of last sickness, and debts having preference by the laws of the United States. (See sec. 1205, above.)]

Payment of wages in scrip

SECTION 6560. *Scrip to be redeemable.*—It shall not be lawful for any corporation, person, or firm engaged in manufacturing of any kind in this State, mining, railroading, constructing railroads, or any business or enterprise of whatsoever kind in this State, to issue, pay out or circulate for payment of wages of any labor, any order, check, memorandum, token, or evidence of indebtedness, payable in whole or in part otherwise than in lawful money of the United States, unless the same is negotiable and redeemable at its face value, without discount, in cash or on demand, at the store or other place of business of such firm, person, or corporation when [where] the same is issued, and the person who, or company which may issue any such order, check, memorandum, token or other evidence of indebtedness shall upon presentation and demand redeem the same in lawful money of the United States. And when any laborer performing work or labor as above shall cease to work whether by discharge or by voluntary withdrawal the wages due shall be forthwith paid either in cash or by order redeemable in cash at its face value or presentment at bank, store, commissary, or other place in the county where the labor was performed: *Provided*, Such order may be given payable in another county when the place of employment is more convenient of access to the employee.

SEC. 6561. *Violations.*—[Failure to comply with the provisions of this act entails a fine not exceeding \$300, or upon failure to pay such fine, imprisonment until the fine is exhausted.]

SEC. 6562. *Attorneys' fees.*—Whenever any person or persons, company, or corporation, is compelled to sue for the recovery of the face value of check, memorandum, token, or evidence of indebtedness, issued or circulated for the payment of wages for labor, by reason of the failure of any person, firm, company, or person [corporation] issuing the same, failing or refusing to pay the same on demand, as provided by section 6560 of this chapter, then in such case, if judgment should be granted the plaintiff, the court shall tax an attorney's fee of not less than \$10 nor more than \$25 to said judgment, and the further sum of \$25 as damages to the plaintiff, suffered by the plaintiff by reason of being compelled to sue the said claim: *Provided*, That no plaintiff shall recover more than the face value of his said claim where the payment is refused by reason of a dispute as to the ownership of the said claim, or where it appears satisfactorily to the court or jury that the defendant had a sufficient excuse for the refusal of the payment of the said claim, the burden to prove the said sufficient excuse being on the defendant; and should the court or jury find such sufficient excuse, the same is to be specified in the judgment or verdict of said court or jury.

Assignments of wages

SECTION 6563. *Employer to accept.*—No assignment of, or order for, wages to be earned in the future to secure a loan of less than three hundred dollars, shall be valid against an employer of the person making said assignment or order unless said assignment or order is accepted in writing by the employer, and said assignment or order, and the acceptance of the same, have been filed and recorded with the county auditor of the county where the party making said assignment or order resides, if a resident of the State, or in which he is employed, if not a resident of the State.

SEC. 6564. *Wife to join.*—No assignment of, or order for, wages to be earned in the future shall be valid, when made by a married man, unless the written consent of his wife to the making of such assignment or order is attached thereto.

Railroad employees—Purchase of uniforms

SECTION 8727. *Employees not to be restricted in buying.*—It shall be unlawful for any railroad or other transportation company doing business in the State of Washington, or of any officer, agent, or servant of such railroad or other transportation company, to require any conductor, engineer, brakeman, fireman, purser, or other employee, as a condition of his continued employment,

or otherwise to require or compel, or attempt to require or compel, any such employee to purchase of any such railroad or other transportation company or of any particular person, firm, or corporation or at any particular place or places, any uniform or other clothing or apparel, required by any such railroad or other transportation company to be used by any such employee in the performance of his duties as such; and any such railroad or transportation company or any officer, agent, or servant thereof, who shall order or require any conductor, engineer, brakeman, fireman, purser, or other person in its employ, to purchase any uniform or other clothing or apparel as aforesaid, shall be deemed to have required such purchase as a condition of such employee's continued employment.

Sec. 8728. *Violations.*—[Penalties are fines, \$100 to \$500, or imprisonment not exceeding six months.]

ACTS OF 1919

CHAPTER 191.—*Employment of labor—Seasonal employment*

SECTION 1. *Definition.*—For the purpose of this act the term "seasonal labor" shall include all work performed by any person employed for a period of time greater than one month and where the wages for such work are not to be paid at any fixed interval of time, but at the termination of such employment, and where such person is hired within this State for work to be performed outside the State and the wages earned during said employment are to be paid in this State at the termination of such employment: *Provided*, That this act shall not apply to wages earned by seamen or other persons where the payment of their wages is regulated by Federal statutes.

Sec. 2. *Contracts.*—Every contract for seasonal labor shall be in writing and signed by the employer and the employee, and may provide for advances of moneys to be earned under such contract or for the furnishing of supplies to the employees before the wages are earned, and for the payment of money or the furnishing of supplies during the season.

Sec. 3. *Fraud.*—Every employee who with intent to defraud shall have secured advances of money or supplies under a contract for seasonal labor and who with intent to defraud shall willfully fail to perform sufficient labor to compensate for such advances and supplies made under such contract shall be guilty of a gross misdemeanor.

Sec. 4. *Disputes.*—Upon the written petition of either the employer or the employee setting forth in ordinary and concise language the facts and questions in dispute, the commissioner of labor shall, in person or by his duly authorized deputy, and is hereby authorized to hear and determine all disputes concerning wages earned at seasonal labor, and allow or reject deductions made from such wages for moneys advanced or supplies furnished before the wages are earned for money paid or supplies furnished during the season or for money paid to third persons upon the written order of the employee.

Sec. 5. *Hearings.*—Upon the filing of any such petition, the commissioner of labor shall notify the other party to the dispute of the time and place when and where such petition will be heard, and may set said petition for a hearing before a regularly appointed deputy at such place in the State as he shall determine is most convenient for the parties, and the commissioner or his deputy shall have power and authority to issue subpoenas to compel the attendance of witnesses and the production of books, papers, and records at such hearing, and to administer oaths. Obedience to such subpoena shall be enforced by the courts of the county where such hearing is held.

Sec. 6. *Findings.*—The commissioner of labor, or his deputy holding the hearing, shall, after such hearing, determine the amount due from the employer to the employee, and shall make findings of fact and an award in accordance therewith, which findings and award shall be filed in the office of the commissioner of labor, and a copy thereof served upon the employer and upon the employee by registered mail directed to their last known post-office address.

Sec. 7. *Appeal.*—Any person feeling himself aggrieved by the finding or award of the commissioner of labor may, as in the preceding section provided, have the right of appeal therefrom to the superior court of the county in which the hearing by the commissioner of labor or his deputy was held by filing a notice of appeal therefrom in the office of the commissioner of labor within thirty days from the date of the findings and award, and upon the filing of any such notice of appeal the commissioner of labor shall transmit to the

clerk of the superior court to which the appeal is taken the original petition and all exhibits and written evidence filed at the hearing and the original findings and award of the commissioner, and such appeal shall be set down for hearing and shall be heard de novo by the court as appeals from justices of the peace are heard, and the clerk of the court shall notify the parties to the dispute, by mail addressed to their last known place of residence, of the time and place of such trial upon appeal.

SEC. 8. *Suits.*—In case no appeal is taken from the award of the commissioner and suit shall be brought upon the contract for seasonal labor in any court of competent jurisdiction, the findings and award of the commissioner made in any proceeding under this act at a hearing at which both parties to such suit shall have appeared may be introduced in evidence in such suit for the information of the court in which the suit is pending, and may, in the discretion of the court, be submitted to the jury as a part of the evidence in the case; but such findings and award shall not be conclusive or binding upon the court or the jury in any such case.

WEST VIRGINIA

CODE OF 1913—SUPPLEMENT OF 1918

Payment of wages on discharge

SECTION 526-c. *Wages to continue.*—Whenever any employer of labor shall hereafter discharge his or its employees without first paying them the amount of any wages or salary then due them in cash, lawful money of the United States, or its equivalent or by check or draft, within seventy-two hours after demand, or shall fail or refuse to pay them in like money, or its equivalent or by check or draft, the amount of any wages or salary at the time the same becomes due and owing to them under their contract of employment, whether employed by the hour, day, week, or month, each of his or its employees so discharged may charge and collect wages in the sum agreed upon in the contract of employment for each day his employer is in default, until he is paid in full, without rendering any service therefor: *Provided, however,* He shall cease to draw such wages or salary thirty days after such default. Every employee shall have such lien and all other rights and remedies for the protection and enforcement of such salary or wages as he would have been entitled to had he rendered service therefor in manner as last employed. This section shall not apply in case of bankruptcy, assignment, or other legal disability of the employer to pay for any wages so due and owing, or in case of shut down or other cessation of operations.

SEC. 526-d. *Violations.*—[Penalties for offenses under this act are fines of \$10 to \$50 for the first offense, and \$25 to \$200 for second and subsequent offenses. Coal mining operations are not included under this act.]

Payment of wages—Company stores

SECTION 534. *Application of law.*—All persons, firms, corporations or associations, in this State, engaged in mining coal, ore or other minerals, or mining and manufacturing them, or either of them, or manufacturing iron or steel, or both, or any other kind of manufacturing, shall pay their employees as provided in this act.

SEC. 535. *Biweekly pay day.*—All persons, firms, companies, corporations or associations, engaged in the business aforesaid, shall settle with their employees at least once in every two weeks unless otherwise provided by special agreement, and pay them the amount due them for their work or services in lawful money of the United States, or by the cash order as described and required in the next succeeding section of this act: *Provided,* That nothing herein contained shall effect the right of an employee to assign the whole or any part of his claim against his employer.

SEC. 538. *Refusal to pay wages.*—If any firm, company, corporation or association shall refuse for the space of twenty days to settle and pay any of their said employees at the intervals of time as provided in section two of this act, or shall neglect or refuse to redeem any cash orders herein provided for, within the time specified, if presented, and suit should be brought for the amount overdue and unpaid, judgment for the amount of said claim proven to be due and unpaid, with legal interest thereon until paid, shall be rendered in favor of the plaintiff in such action: *Provided, further,* That the cash order herein

provided for, given for payment of labor, if the laborer continues to hold the same, in case of the insolvency of the company, or person, or firm, or corporation giving same, such laborer shall not lose his lien and preference under existing laws.

SEC. 539 (as amended 1925, ch. 87). *Payment in money.*—It shall be unlawful for any corporation, company, firm, or person, engaged in any trade or business, either directly or indirectly, to issue, sell, give, or deliver to any person employed by such corporation, company, firm, or person, in payment of wages due such laborer, or as advances for labor not due, any scrip, token, draft, check, or other evidence of indebtedness, payable or redeemable otherwise than in lawful money; and if any such scrip, token, draft, check, or other evidence of indebtedness, be so issued, sold, given, or delivered to such laborer it shall be construed, taken, and held in all courts and places, to be a promise to pay the sum specified therein in lawful money by the corporation, company, firm, or person issuing, selling, giving, or delivering the same to the person named therein, or to the holder thereof. And the corporation, company, firm, or person so issuing, selling, giving, or delivering the same shall, moreover, be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars, nor more than one hundred dollars, and at the discretion of the court, the officer or agent of the corporation, company, or firm, or the person issuing, selling, giving, or delivering the same, may be imprisoned not less than ten nor more than thirty days: *Provided*, That any such corporation, company, firm, person, or association, engaged in any of the businesses aforesaid, at other times than at the regular pay day settlements, upon the faith and to credit of labor to be performed but not to be paid for under the contract of hiring until a future date, may, in payment or part payment thereof, upon request of any employee, issue to such employee, nontransferable orders upon himself or itself, or upon another, payable in merchandise only; or nontransferable coupons or tokens, payable and redeemable in merchandise only: *Provided further*, That it be shown upon the face of said order that such employer agrees to pay the employee in lawful money of the United States or by check the unused portion or part, if any, of such order in possession of the holder, or the unused coupons or tokens, if any, of such holder, in his possession, upon demand and surrender thereof by him at such regular settlement day or pay days according to the issuance thereof when the same would be due in cash had not said order or token been issued.

SEC. 540. *Restriction in trading.*—If any corporation, company, firm, or person shall coerce or compel, or attempt to coerce or compel an employee in its, their, or his employment, to purchase goods or supplies in payment of wages due him, or to become due him, or otherwise, from any corporation, company, firm, or person, such first-named corporation, company, firm, or person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in the preceding section. And if any such corporation, company, firm, or person shall directly or indirectly sell to any such employee in payment of wages due or to become due him, or otherwise, goods or supplies at prices higher than the reasonable or current market value thereof at cash, such corporation, company, firm, or person shall be liable to such employee, in a civil action, in double the amount of the charges made and paid for such goods or supplies in excess of the reasonable or correct value in cash thereof.

Exemption of wages—Unlawful assignment of claims

SECTION 1665. *Assigning claims for collection outside of State.*—It shall be unlawful for any person to institute, or permit to be instituted, proceedings in his own name, or in the name of any other person, or to assign or transfer, either for or without value, any claim for debt or liability of any kind held by him against a resident of this State for the purpose of having payment of the same, or any part thereof, enforced out of the wages that may be exempted by * * * the Code of West Virginia by proceedings in attachment or garnishment, in courts, or before justices of the peace, in any other State than in the State of West Virginia; or to send out of this State by assignment, transfer, or in any other manner whatsoever, either for or without value, any claim or debt against any resident thereof, for the purpose or with the intent of depriving such person of the right to have his wages exempt from distress levy or garnishment according to the provisions * * * of the Code of West Virginia.

Payment of wages—Semimonthly pay day—Railroads

SECTION 3024f. *Pay days established.*—Every railroad company authorized to do business by the laws of the State of West Virginia, shall, on or before the first day of each month, pay the employees thereof the wages earned by them during the first half of the preceding month, ending with the fifteenth day thereof; and on or before the fifteenth day of each month, pay the employees thereof the wages earned by them during the last half of the preceding calendar month: *Provided, however,* That if at any time of payment any employee shall be absent from his or her regular place of labor, and shall not receive his or her wages through a duly authorized representative, he or she shall be entitled to said payment at any time thereafter upon demand upon the proper paymaster at the place where such wages are usually paid and at the place when the next pay is due and the proper mailing in the United States post office of such payment in time to reach the usual post office of the employee by the time aforesaid in the usual course of the mails, shall be a compliance with this act. Any such railroad company which shall violate any of the provisions of this act shall forfeit and pay the sum of twenty-five dollars for each violation of this act, which shall be proved to be recoverable in any court having jurisdiction, by suit, in the name of the State, to be instituted by the prosecuting attorney, upon complaint of the party injured by such violation, and in the county of his residence, and all penalties so recovered shall be paid into the general school fund of the State: *And provided,* That suit must be commenced within sixty days from the date such wages became payable according to the tenor of this act.

Sec. 3024g. *Agreements forbidden.*—It shall not be lawful for any railroad company to enter into or make any agreement with any employee for the payment of wages of any such employee otherwise than as provided in section 3024f of this act; except it be to pay such wages at shorter intervals than herein provided. Every agreement made in violation of this act shall be deemed to be null and void, and it shall not be a defense to the suit for the penalty provided for in section 3024f of this act; and each and every employee with whom any agreement in violation of this act shall be made by such railroad company shall have his or her action and right of action against such railroad company for the full amount of his or her wages in any court of competent jurisdiction of this State: *Provided,* That nothing in this act shall be so construed as to interfere with the right to withhold from the wages of the employees all assessments becoming due to any relief department, hospital association, savings department, or any other department or association maintained by any such railroad company or its employees.

WISCONSIN

STATUTES OF 1923

Contracts of employment—Termination—Wage payment

SECTION 103.17. *Mutual forfeit.*—Any person or corporation engaged in manufacturing, which requires from persons in his or its employ, under penalty of forfeiture of a part of the wages earned by them, a notice of intention to leave such employ, shall be liable to the payment of a like forfeiture if he or it discharges, without similar notice, a person in such employ except for incapacity or misconduct, unless in case of a general suspension of labor in his or its shop or factory or in the department thereof wherein such employee is engaged.

Sec. 103.39. *Semimonthly payment of wages.*—(1) Every corporation organized for pecuniary profit engaged in any enterprise or business within the State of Wisconsin, excepting corporations owning or operating hospitals and sanatoriums for the care of sick or insane persons, shall as often as on the fifteenth and on the last day of each month pay to every employee engaged in its business, except to those employees engaged in lumbering and logging operations, all wages or salaries earned by such employee to a day not more than sixteen days prior to the date of such payment. Any employee who is absent at the time fixed for payment or who for any other reason is not paid at that time shall be paid thereafter at any time upon six days' demand and any employee leaving his or her employment or discharged therefrom shall be paid in full

following his or her employment at any time upon three days' demand. No corporation coming within the meaning of this act shall by special contract with employees or by any other means secure exemption from the provisions of this act and each and every employee of any corporation coming within the meaning of this act shall have his or her right of action against any such corporation for the full amount of his or her wages due on each regular pay day as herein provided, in any court of competent jurisdiction. Whenever such regular payments cover wages earned to a date more than eight days prior to the day of payment in the event the day fixed for the semimonthly payment falls on Sunday or a holiday, payment shall be made on the previous business day. Any corporation owning or operating any hospital or sanatorium for the care of sick or insane persons shall give the same number of days' notice of its intention to discharge any employee as it requires such employee to give before being permitted to quit its service unless such employee is discharged because of a serious infraction of a rule.

(2) Any corporation violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars for each separate offense and each and every failure or refusal to pay each employee the amount of wages due him or her at the time, or under the conditions required in this statute shall constitute a separate offense.

Sec. 103.45. *Time checks.*—All corporations or individuals paying wages in time checks or other paper than legal money shall make such time checks or paper payable in some designated place of business in the county in which the work was performed or at the office of such corporation or individual if within the State of Wisconsin, or at any bank within said State. Any corporation or individual failing to comply with the terms of the above section shall upon conviction thereof be fined not to exceed one hundred dollars nor less than ten dollars.

Wages preferred—In assignments

SECTION 128.02. *Preferences.*—[All preferences in cases of voluntary assignments, except for wages of laborers, servants, and employees earned within the preceding six months, are void as to the preference, but valid for all other purposes.]

Sec. 128.16. *Payment.*—[Before paying any dividends to creditors generally the assignee shall pay wages earned by laborers, servants, and employees within the six months preceding the assignment, after paying unpaid taxes and assessments, debts due the United States or the State, and the expenses of the assignment.]

Wages preferred—In receiverships of railroads

SECTION 192.04. *Rank.*—[A receiver of a railroad corporation must report the amount due laborers and employees, and wages earned within six months prior to the appointment of the receiver shall be paid next after current operating expenses.]

Assignments of wages

SECTION 2313a. *Wife to sign.*—No assignment of the salary or wages of any married man, then or at the accruing thereof exempt by law from garnishment, shall be valid for any purpose unless such assignment shall be in writing signed by the wife, if she at the time be a member of his family, and unless her signature be witnessed by two disinterested witnesses; nor shall any such assignment be valid as to any such salary or wages to accrue more than two months after the date of the making of such assignment.

Wages preferred—In receiverships

SECTION 2787a. *General provision.*—[This section applies the same rate to receiverships generally as is fixed for railroads by section 192.04 above.]

Exemption of wages from execution

SECTION 2982. *Amount.*—[The earnings of a person having a family dependent upon him, and the earnings of a minor child or children contributing to the support of the family for the period of three months next preceding the writ, are exempt from attachment, etc., to the amount of \$60 for each month, not exceeding \$180 in all.]

Suits for wages—Execution

SECTION 3674. *Stay.*—[No stay is to be allowed in an execution on a judgment for manual labor performed by the party in whose favor the same was rendered.]

Garnishment of wages of public employees

SECTION 3716a. *Amount exempt.*—[Where wages or salary of an officer or employee of the State, a county, city, village, etc., are the subject of a judgment, the same are exempt to the same extent as salaries and wages exempt by law from garnishment.]

Suits for wages—Attorneys' fees

SECTION 3775. *Fee.*—[A justice of the peace may allow an attorney's fee of \$5 on any recovery under \$50, if the plaintiff appeared by an attorney of record, whether the defendant appeared or not.]

Wages preferred—In administration

SECTION 3852. *Rank.*—[Wages due workmen, clerks, or servants, earned within 3 months prior to death and not exceeding \$300 to each claimant, are payable after expenses of the funeral and last sickness and debts having a preference under the laws of the United States.]

Exemption of wages—Unlawful assignment of claims

SECTION 4438f. *Sending claims out of State.*—[Anyone sending a claim for debt out of the State or assigns or transfers a claim for the purpose of having the same collected by depriving the debtor of his exemption rights when the parties are within the jurisdiction of the courts of the State shall be fined not less than \$10 nor more than \$50.]

WYOMING

CONSTITUTION

ARTICLE I.—*Labor legislation*

SECTION 22. *Protective laws to be passed.*—The rights of labor shall have just protection through laws calculated to secure to the laborer proper rewards for his service and to promote the industrial welfare of the State.

COMPILED STATUTES—1910

Wages as preferred claims—In assignments

SECTION 3390. *Rank.*—[Wages for three months prior to the date of any assignment are preferred over all other claims against the estate.]

Exemption of wages—Unlawful assignment of claims

SECTIONS 3424-3427. *Sending claims out of State.*—[It is unlawful to sell, assign, or transfer a claim against a laborer or other employee, or sue thereon outside the State, or seek in any way to attach wages earned within 60 days prior to the commencement of proceedings, to avoid the effect of the exemption

laws of the State. Proof of the institution of such action is prima facie evidence of intent to evade the law.]

Assignments of wages

SECTION 3432. Employer to accept.—No assignment of or order for wages to be earned in the future to secure a loan of less than two hundred dollars shall be valid against an employer of the person making said assignment or order until said assignment or order is accepted in writing by the employer and said assignment or order and the acceptance of the same have been filed and recorded with the clerk of the city or town where the party making said assignment or order resides, if a resident of this State, or in which he is employed, if not a resident of the Commonwealth.

Sec. 3433. Consent of wife.—No such assignment of or order for wages to be earned in the future shall be valid when made by a married man, unless the written consent of his wife to the making of such assignment is attached thereto.

Sec. 3434. Exemptions.—National banks and all banking institutions which are under the supervision of the bank examiner shall be exempt from the provisions of this chapter.

Payment of wages at mines

SECTION 3549. Pay semimonthly.—All wages or compensation of coal miners and laborers, now employed, or who may hereafter be employed, in or about any coal mine in the State, shall be due and payable semimonthly, and such payment shall be made in lawful money of the United States, or by a good and valid check or draft, payable on presentation thereof, in lawful money of the United States, and not otherwise; that is to say, all such money earned prior to the first day of any month shall be due and payable on or before the fifteenth day of such month, and any such money earned prior to the sixteenth day of any month shall be due and payable on or before the last day of such month. Any person, company, or corporation operating coal mines within this State who fails to comply with the provisions of this section, shall be fined in the sum of not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

Sec. 3550. Action for wages.—In case any employer of any such miner or laborer shall fail or refuse to make payment as aforesaid, the same shall be recoverable in an action at law, together with legal interest from the date when such amount was due, as provided herein.

Sec. 3551. Set-off.—No account for goods, wares, or merchandise, nor any claim, except for money loaned or advanced by such employer to such miner or laborer, except as hereinafter provided, shall be allowed as a set-off or counterclaim in such action, and any condition of employment whereby any of the provisions of this chapter [secs. 3549 to 3552] are sought to be avoided, shall be utterly null and void.

Sec. 3552. Act construed.—Nothing in this chapter [secs. 3549 to 3552] contained shall be held to interfere with any contract or agreement, in writing, for the furnishing by such employer to such employees, of medicine, medical attendance, fuel, or house rent.

Wages—Garnishment—Exemptions—Preference

SECTION 4787. Wages due railroad employees.—[Where a judgment for wages has been secured against a railroad company for labor in construction, operation, or furnishing supplies, and it appears that there is no property subject to levy, but that a designated person or corporation owes such company, a writ may issue against such debtor, directing payment to the judgment creditor of the amount of the claim and costs.]

Sec. 4793. Assignments void, when.—An assignment or transfer of property, in the hands or under the control of any agent of such railroad company at the date of the service of notice of garnishment, or which may afterwards, and before the satisfaction of the judgment, come into his hands, or under his control, shall be void as against judgment claimants under this article.

Sec. 4797 (as amended 1911, ch. 56). Public employees.—[The salaries or wages of public employees are subject to garnishment in the same manner and for the same causes as of private employees.]

SEC. 4810. *Exemption.*—[One-half a judgment debtor's earnings for personal services rendered within 60 days prior to the levy are exempt from execution or attachment on a showing that they are necessary for the support of a dependent family residing in the State.]

SEC. 5595. *Preference in administration.*—[Wages due servants and employees for services rendered within 60 days prior to the death are to be paid in administration, together with expenses of the last sickness, next after funeral expenses and expenses of administration.]

Wages of aliens—Prior contract

SECTION 5976. *Receiving money for labor of alien under contract.*—Any person, whether he or she acts for himself or herself, or as agent, attorney, or employee for another or others, who shall, in pursuance of or by virtue of, any contract made with any alien or foreigner, made before such alien or foreigner came into this State, receive or offer to receive any money, pay, or remuneration for the labor or services of any alien or foreigner, excepting the person so performing such labor or services, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not less than \$500 and not more than \$5,000, and imprisoned in the county jail for not less than 3 months nor more than 12 months for each and every offense.

ACTS OF 1919

CHAPTER 73.—*Payment of wages—Semimonthly pay day*

SECTION 1. *Scope of law.*—Every person, firm, or corporation engaged in the operation of any railroad, mine, refinery, and work incidental to prospecting for, or the production of oil and gas, or other factory, mill, or workshop, within the State of Wyoming shall, on or before the third day of each month, pay the employees thereof the wages earned by them during the first half of the preceding month ending with the fifteenth day thereof, and on or before the eighteenth day of each month pay the employees thereof the wages earned by them during the last half of the preceding month: *Provided, however,* That if at any time of payment any employee shall be absent from his or her regular place of labor, and shall not receive his or her wages through a duly authorized representative, he or she shall be entitled to said payment at any time thereafter upon demand on the proper paymaster or at the place where such wages are usually paid: *Provided further,* Every employer shall establish and maintain regular pay days as herein provided and shall post and maintain copies of this law printed in plain type in at least two (2) conspicuous places where such notices can be seen by the employees.

Nothing in this bill, however, shall be so construed as to mean that on any special occasion where it appears to be satisfactory and beneficial to both employer and employee, that they shall not have the right to agree either verbally or in writing, as to where and at what time, other than every 15 days, wages shall be paid: *Provided,* That it shall be unlawful for any employer to require any employee to enter into any such agreement as a condition to entering into or remaining in his service.

SEC. 2. *Termination of employment.*—Whenever an employee quits the service or is discharged therefrom, such employee shall be paid whatever wages are due him or her in lawful money of the United States of America, or by check or draft which can be cashed at a bank, and said wages shall be paid within a reasonable time thereafter.

ACTS OF 1923

CHAPTER 62.—*Employment of women—Overtime pay*

SECTION 1. *Hours of labor.*—[Eight and one-half hours is fixed as the limit of a day's labor, and 56 hours per week, for women in industry generally, with exceptions as to telegraph and telephone offices employing less than four females, and the harvesting, etc., of fruits and vegetables.]

SEC. 6. *Emergency.*—Nothing in this act shall forbid the employment of any female at any time where an emergency exists or unusual pressing business or necessity demands it, and if under such conditions a female does work overtime she shall not be paid less than time and a half for each and every hour of overtime in any one day.

UNITED STATES

COMPILED STATUTES—1916—SUPPLEMENTS—1919, 1923

Seamen—wages, etc.

SECTIONS 8315-8337a. *Wages and effects.*—[Right to wages and provisions commence with the commencement of work, or at the time specified for beginning work or presence on board, whichever first happens, and the right to wages shall not be dependent on freight. The loss of the vessel terminates wages, but prior earnings must be paid and transportation given to the port of shipment. Improper discharge before a month's wages are earned entitles the seamen to one month's wages as penalty in addition to actual earnings; prompt payment at termination of voyages is required, and one-half of any unpaid balance may be demanded at any port at which the vessel receives or delivers cargo, not oftener than once in 5 days nor at the same entry. Payment of wages in advance is forbidden, or the making of any order or note or other evidence of indebtedness to any other person, or an order to pay any person for the shipment of a seaman a sum to be deducted from his wages, but allotments may be made to grandparents, parents, wife, sister, or children. Wages are not subject to attachment or arrestment from any court. Assignments of wages prior to the accruing thereof are not valid. Detailed provision is made for procedure in the recovery of wages and for the disposition of the wages and effects of deceased seamen.]

SECS. 8338-8342. *Discharge.*—[Seamen must be discharged and receive their wages in the presence of a shipping commissioner, unless a court directs otherwise. Certificates of discharge and of character in prescribed forms are required.]

Railroad employees—Reduction of wages by receivers

(Act of July 15, 1913)

SECTION 8674. *Receiverships.*—Whenever receivers appointed by a Federal court are in the possession and control of the business of employees covered by this act the employees of such employers shall have the right to be heard through their representatives in such court upon all questions affecting the terms and conditions of their employment; and no reduction of wages shall be made by such receivers without the authority of the court therefor, after notice to such employees, said notice to be given not less than twenty days before the hearing upon the receivers' petition or application, and to be posted upon all customary bulletin boards along or upon the railway or in the customary places on the premises of other employers covered by this act.

Railroad employees—Workday

(Act of Sept. 3, 5, 1916)

SECTION 8680a. *Standard workday.*—Beginning January first, nineteen hundred and seventeen, eight hours shall, in contracts for labor and service, be deemed a day's work and the measure or standard of a day's work for the purpose of reckoning the compensation for services of all employees who are now or may hereafter be employed by any common carrier by railroad, except railroads independently owned and operated not exceeding one hundred miles in length, electric street railroads, and electric interurban railroads, which is subject to the provisions of the act of February fourth, eighteen hundred and eighty-seven, entitled "An act to regulate commerce," as amended, and who are now or may hereafter be actually engaged in any capacity in the operation of trains used for the transportation of persons or property on railroads, except railroads independently owned and operated not exceeding one hundred miles in length, electric street railroads, and electric interurban railroads, from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States: *Provided*, That the above exceptions shall not apply to rail-

roads, though less than one hundred miles in length, whose principal business is leasing or furnishing terminal or transfer facilities to other railroads, or are themselves engaged in transfers of freight between railroads or between railroads and industrial plants.

Sec. 8680d. *Violations.*—Any person violating any provision of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$1,000, or imprisoned not to exceed more than one year, or both.

Wages preferred—In bankruptcy

(Act of July 1, 1898, as amended June 15, 1906, Jan. 7, 1922)

SECTION 9601. *Wage debts not discharged.*—[A discharge in bankruptcy does not release the debtor from liability for wages due workmen, servants, clerks, or salesmen earned within three months prior to the commencement of proceedings in bankruptcy, nor from money held as an employee's deposit to secure the performance of a contract of employment.]

Sec. 9648. *Priority.*—[Wages, as above, not exceeding \$300 to each claimant, are to be paid by the trustee next after costs of petition, filing fees, and costs of administration.]

Fixing wages of railroad employees—Labor Board

(Act of Feb. 28, 1920)

SECTION 10071½ggg. * * *

Wage disputes.—(b) The Labor Board, (1) upon the application of the chief executive of any carrier or organization of employees or subordinate officials whose members are directly interested in the dispute, (2) upon a written petition signed by not less than 100 unorganized employees or subordinate officials directly interested in the dispute, or (3) upon the Labor Board's own motion if it is of the opinion that the dispute is likely substantially to interrupt commerce, shall receive for hearing, and as soon as practicable and with due diligence decide, all disputes with respect to the wages or salaries of employees or subordinate officials of carriers, not decided as provided in section 301. The Labor Board may upon its own motion within 10 days after the decision, in accordance with the provisions of section 301, of any dispute with respect to wages or salaries of employees or subordinate officials or carriers, suspend the operation of such decision if the Labor Board is of the opinion that the decision involves such an increase in wages or salaries as will be likely to necessitate a substantial readjustment of the rates of any carrier. The Labor Board shall hear any decision so suspended and as soon as practicable and with due diligence decide to affirm or modify such suspended decision.

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

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

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

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