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**REVIEW OF LABOR LEGISLATION OF 1911.**

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**INTRODUCTION.**

The present is the third annual review of labor legislation summarizing laws enacted at the sessions of the various legislative bodies of the United States since January 1, 1908. Earlier laws are presented in the Twenty-second Annual Report of the Commissioner of Labor, the legislation of 1908 and 1909 being presented in Bulletin No. 85, and that of 1910 in Bulletin No. 91. Following this review in the present Bulletin the laws of 1911 appear, besides laws enacted by the legislatures of Georgia, Texas (extra session), and Vermont in 1910, which were not available at the time of the publication of Bulletin No. 91. Including the National Congress, there were 44 legislative bodies in session in 1911, of which 42 passed laws of direct interest to labor.

The conspicuous feature of the legislation of 1911 is the movement to substitute for the old rule of employers' liability a system of compensation or insurance, by means of which persons suffering from the consequences of industrial accidents shall receive a more certain and equitable relief for themselves, or, in case of fatal injuries, for those dependent upon them. This movement finds expression not only in the enactment of laws of this nature, but also in the continued provision for commissions to investigate the subject of such relief. The movement toward a uniform regulation of the employment of children continues, while factory inspection and mine regulation have received also a large amount of attention. The subject of occupational diseases was considered by a number of legislatures during the year, the State of Illinois having taken the lead in this direction by the appointment of its commission in March, 1907; in 1911, 6 States took steps to secure reports on this question. A standard law providing for the dimensions, construction, and equip-

ment of railway cabooses has been adopted by several legislatures, and considerable attention has been given to other provisions for the safety of employees operating railway trains. Recent investigations relative to the subject of accident insurance have borne fruit in the enactment of uniform legislation in several States on this subject. A law that results from recent mechanical developments is a provision embodied in the laws of a number of States regulating the use of automobiles, requiring chauffeurs to be licensed, either with or without previous examination. One State (Connecticut) has advanced so far as to provide regulations for the new occupation of aviator. The results of a general movement in favor of making Columbus Day or Discovery Day (Oct. 12) a legal holiday are apparent in numerous enactments to that effect.

In the review that follows attention will be given not only to the contents of the new legislation, but also, in some degree, to the changes effected by the new laws.

#### COMMISSIONS.

Most numerous and most important of the various classes of commissions provided for by legislation in 1911 are those relating to the subject of employers' liability and workmen's compensation. Such commissions were appointed in Colorado (ch. 231), Connecticut (sen. joint res. No. 248), Delaware (Joint Res., ch. 285), Iowa (ch. 205), Michigan (act No. 245), New Jersey (ch. 241), North Dakota (ch. 12), Pennsylvania (p. 917), Texas (Res., p. 274), and West Virginia (sen. joint res. No. 22). The general purpose of these commissions is the same, i. e., to study the operation and effect of existing laws, local and in other States and countries, the industrial conditions, and the demands for additional legislation, and to produce a report of data and drafts of bills. Except in Iowa, no compensation is allowed the members of these commissions, but provision is made for their expenses, either by general legislation or by the appropriation of specific sums. Thus the Connecticut, Michigan, and New Jersey laws provide simply that expenses shall be met; in Colorado, Delaware, North Dakota, and Texas, \$1,000 is appropriated as an expense fund, while in West Virginia the amount of \$5,000, in Iowa of \$8,000, and in Pennsylvania of \$15,000, is appropriated. In the State last named "a skilled and experienced investigator shall be the secretary of the commission," at a salary of \$4,800 per annum.

The Massachusetts compensation commission of 1910 is continued (Resolves, ch. 110) until July 1, 1912, with directions to compile data as to accidents to employees, and other pertinent information, and report with a draft of any bill which it may wish to recommend before May 1, 1912. The Pennsylvania commission above referred to is styled a commission on industrial accidents, with authority to

inquire into the causes and results of industrial accidents of all kinds, making a report with recommendations in 1913. In this connection may be mentioned the action of the Federal Congress authorizing the President to invite the International Congress on Social Insurance to hold its next triennial meeting in the United States (ch. 208, p. 1034, 36 Stat.). In regular order this congress will be held in the year 1913.

More general in its scope is a law of the New York Legislature (ch. 561), which calls for a commission to investigate the conditions of labor employed in manufactures in "so-called loft buildings and otherwise in cities of the first and second class," with a view to securing such legislation as will eliminate existing peril to life and health and promote the best interests of the community. A report in February, 1912, is directed, and \$10,000 is appropriated as an expense fund. The same legislature (ch. 152) provided for the incorporation of the American Museum of Safety, the objects of which are to study and promote means and methods of safety and sanitation and their application to all occupations. A library, laboratory, lectures, exhibitions, and publications are the means designated for use in this connection. The Massachusetts commission on the inspection of factories, etc., appointed in 1910, to report in January, 1911, had the time for its report extended (Resolves, ch. 10) and the additional sum of \$1,200 appropriated for its expenses.

Commissions on mine regulations were appointed in Illinois (p. 65), Pennsylvania (p. 920), and Washington (ch. 123). Expenses are appropriated in the two latter States, while in Illinois the sum of \$10,000 is appropriated, a part of which is to be used as compensation for three experts, who are to be neither owners nor mine workers, while three members selected from each of the latter two classes are to serve without compensation. The Pennsylvania commission is to act solely with reference to the mining of anthracite coal. All the commissions are to give attention to safety and the prevention of accidents, while the Illinois commission is also charged with the duty of considering means of conserving the coal deposits of the State. In each case the report called for is to be accompanied by recommendations for legislation.

The subject of the employment of women and children is to be considered by commissions in Connecticut (substitute for senate joint res. No. 200), Delaware (Joint Res., ch. 284), and Massachusetts (Resolves, ch. 71). The Connecticut and Delaware commissions are to investigate existing conditions and report their findings and recommendations to the next general assembly of their respective States. The Delaware commission is to consider child labor only. The Massachusetts commission has for its special duty to consider and report on the advisability of the establishment of wage boards to fix minimum wages for women and children in industry. Another

resolve of the same State (ch. 64) directs the board of education to investigate the need and practicability of part-time schooling, vocational and otherwise, for working children and the question of establishing an apprenticeship system for children of the ages of 14 to 17.

The New Jersey Legislature (ch. 198) provided for a commission on old-age insurance and pensions, whose duty it is to aid employers and municipalities in establishing systems of old-age insurance and pensions or annuities for their employees. A secretary, at a salary of \$850 per annum, is provided for, and an expense fund of \$350. Annual reports are directed, as well as recommendations for legislation deemed advisable, and the giving of estimates for the costs of the succeeding year's operations. The same State has a commission of immigration (ch. 362), appointed by the governor, to inquire into the conditions, welfare, distribution, and industrial opportunities of aliens in the State. This work is to be carried on without expense to the State and a report to be made with recommendations for legislation. The cost of living is made the subject of investigation by a New York commission (ch. 787), consisting of 11 members, 6 of whom are designated State officials, the other 5 being appointed by the governor. Questions of purity of food, labeling, weights and measures, production, distribution, and consumption are to be considered, and \$5,000 is appropriated as an expense fund, with instructions to report in 1912. Massachusetts (ch. 607) has a homestead commission consisting of 4 designated State officials and 3 other members appointed by the governor, one of whom is to be a woman, to draft a law for a plan for State aid to mechanics and laborers in procuring homes in the suburbs of cities and towns. The existing commission of this State on employment offices had its time for reporting extended to January, 1912 (Resolves, ch. 94), and an additional sum, not exceeding \$1,000, may be expended. The question of convict labor is directed to be investigated by a committee of the legislature, in accordance with a resolution of the Ohio Legislature (p. 734), with instructions to consider farm labor and the securing of the greatest practicable diversity of healthful and productive employment with the least possible competition with free labor.

#### REGULATION OF THE CONTRACT OF EMPLOYMENT.

Of the somewhat varied group of laws considered under this head, the one of broadest application is that of Wisconsin (ch. 453), which calls for an investigation of contracts of employment or the rules laid down by employers for the government of their workmen on complaint of any employee. The duty of making such investigations devolved by the statute upon the bureau of labor and industrial statistics, now superseded by the industrial commission (ch. 485), to which the employers must furnish copies of all contracts or agreements on demand. An annual report of the facts disclosed by the investigation is authorized.

The question of service letters or clearance cards is considered by laws of Indiana (ch. 178), requiring railroad companies to furnish on request a statement of the nature and character of service of any employee leaving service, and also, if discharged, a statement of the cause of discharge; and of Nebraska (ch. 66), which requires public-service corporations and contractors doing business in the State to furnish on request of the employee a statement showing the nature and length of his service and the cause for his discharge or leaving service. The use of printed blanks or paper containing any mark other than that connected with the statements above specified is forbidden by the Nebraska statute. The law of Oregon (ch. 139) requires railroads to furnish a statement of cause of discharge to bonded employees, failing which such employees may complain to the railroad commission of the State, which shall investigate and furnish a copy of its report to the complainant.

The bond of the employee is regulated by acts of the Legislatures of Arkansas (No. 166) and of Idaho (ch. 228). These laws direct that employees shall be left free to choose the company by which they shall be bonded, that of Arkansas specifying that no nonresident company shall be required unless it has an agent in the State. The Idaho law prohibits the withholding of premiums for bonds from the wages of workmen, who are to be allowed to pay such premiums freely and voluntarily.

Acceptance of fees by superintendents or foremen for giving or continuing employment to workmen on the work with which they themselves are connected is forbidden by laws of New Hampshire (ch. 58), New Jersey (ch. 94), and Pennsylvania (ch. 746). The Legislature of Alabama (p. 93) again takes up the subject of fraudulent contracts, penalizing by a fine of not over \$300 the making of a written contract by a laborer or renter with intent to defraud, by means of which he obtains money or other personal property. False representations in the employment of labor are penalized by statutes of Colorado (ch. 160), Nevada (ch. 154), New York (ch. 575), and Wisconsin (ch. 364). False statements as to kind of work, the amount of compensation, sanitary conditions, and the general circumstances are forbidden. Except in New York, misrepresentation as to the existence of strikes or other labor disputes is especially mentioned; while in New York it is an offense to hold one's self out as able to furnish or secure employment without having had an order therefor or having places to fill.

The Legislature of Wisconsin enacted a new law (ch. 347) on the subject of apprenticeship, repealing existing statutes and regulating the terms and conditions of apprenticeship, no term of which is to be of less than one year's duration, or if the child is under 18 years of age, not less than two years' duration. The contract must specify

the hours of labor and of instruction, which shall not exceed 55 per week, of which at least 5 must be devoted to instruction in educational subjects and the use of safety appliances.

An incident attached to the relation of employer and employee by acts of the legislatures of Arkansas (No. 19) and Idaho (ch. 60) is the requirement in the former State that all employers shall furnish the names of their workmen to tax assessors, etc., instead of only employers operating mills, mines, and manufacturing enterprises, as under an earlier law; while in the latter State the employers are made directly liable for the road poll taxes of their employees on notice. Taxes paid under such notice may be withheld from the wages of workmen employed for two weeks or more, and a receipt therefor exempts the workman from a similar deduction during the current year.

A New York statute (ch. 625) punishes kidnapping, including the holding of another as a slave or to service against his will, the penalty being imprisonment of not over 10 years if the kidnapper is a parent of the person so held, or imprisonment of not less than 10 nor more than 50 years if he be not a parent.

#### **BLACKLISTING, INTERFERENCE WITH EMPLOYMENT, ETC.**

The Connecticut law (ch. 163) requires that any list kept by persons, corporations, or associations, showing the character, skill, acts, or affiliations of any person, shall be open to inspection by the person affected. All items are to be clearly stated, and the name and address of any person keeping such list and of all subscribers thereto must be furnished to the commissioner of labor and by him recorded and kept accessible to public inspection. This does not apply to charitable organizations, employment offices, credit associations, nor the private records of employers.

An act of the Legislature of Hawaii (No. 69) makes the interference of third parties with persons under contract of employment for a specified time a ground for an action for damages, and an attempt to entice from employment may be enjoined; a second act (No. 70) makes the enticing of such workmen a misdemeanor.

#### **EXAMINATION AND LICENSING OF WORKMEN.**

As mentioned in the introduction, the regulation of the employment of chauffeurs received attention in a number of States in connection with the regulation of the use of motor-driven vehicles on the public highways. In general, a minimum age of 18 years is prescribed for the holders of licenses, while conditions of physical capacity, and in some cases the nonuse of alcoholic liquors to excess and tests of knowledge and skill, are prescribed. In some States, however, the license is issued merely on affidavit of ability to operate. Licenses are usually renewable annually on the payment of a fee,

commonly of \$1 or \$2, though in New York there is a fee of \$2 for examination and of \$3 for a license, with an annual renewal fee of \$2. The States enacting new laws or making important amendments in their laws on this subject are Alabama (p. 634), Arkansas (act No. 134), Connecticut (ch. 85), Illinois (p. 487), Maine (ch. 162), Minnesota (ch. 365), Missouri (p. 322), New Hampshire (ch. 133), New York (ch. 491), Oregon (ch. 174), and West Virginia (ch. 32). A Connecticut statute (ch. 86) provides for the licensing of aviators, fixing the minimum age at 21 years, providing for examination, and for three classes of operators—one for spherical balloons, one for dirigibles, and one for machines heavier than air. Another instance of the development of new laws of employment is found in the law of New York (ch. 252) requiring that operators of moving-picture machines shall be at least 21 years of age, shall have served an apprenticeship for six months, and shall pass a practical examination for the securing of a license which permits them to engage in their occupation. The Legislature of Massachusetts (ch. 656) directs a practical examination for operators of hoisting machinery where the motive power used is other than steam, the license issued to be in force until suspended. The law of this State relative to the examination and licensing of stationary engineers and firemen is amended (ch. 562) in several details, among which are provisions describing the amount of experience necessary prior to the issuing of various classes of licenses and describing the kinds of work these licenses permit; the rating of boilers is also provided for. A Georgia statute (p. 112, Acts of 1910) authorizes county commissioners, or ordinaries, if there be no county commissioners, to appoint boards of examiners and require the examination and licensing of operators of engines and boilers. This law is not mandatory, however, but only permissive.

The Legislature of Arkansas (act No. 285) enacted for cities of the first and second class a statute governing the examination and licensing of plumbers by local boards. Successful applicants for a license are to pay \$5 for a license valid for five years and renewable without fee. The Legislature of Pennsylvania modified its law on the same subject (p. 680), authorizing the director of the department of public health and charities in any city of the first class to appoint an examining board for master and journeyman plumbers desiring to work within the city. The fee for master's certificate is \$5, while for that of a journeyman it is 50 cents. Annual renewals are required, for which no examination is necessary, masters paying \$1 and journeymen 25 cents for such renewal. An Indiana statute (ch. 276) prescribes an examination by a county board of mine examiners of all miners employed in mines employing 10 or more miners. Each miner must have a certificate from this board unless

he works in a room with or under the direction of a certified miner, and for this latter employment he must have a permit from the board. Two years' experience and the passing of a practical examination are the prerequisites to the issuance of a certificate unless one has been continuously employed as a miner for two years or holds a certificate issued by the proper authorities of another State. The Connecticut statute relative to the licensing of barbers is modified by an act (ch. 100) which permits the issuance of a license to barbers licensed in other States on the payment of a registration fee of \$1 without examination.

Though only remotely connected with the above classes of employment, there may be mentioned here an act of the Legislature of Delaware (ch. 180) exempting persons selling goods of their own manufacture from the obligation of securing a peddler's license in order to engage in such sale.

#### PUBLIC SERVICE.

Several statutes were passed affecting employees in public service, either general or in specified branches. Thus in Oregon (ch. 266) the State printing office is required to pay the rate of wages customary in the State without premiums or bonus unless special permission is granted by the State printing board. A Massachusetts statute (ch. 541) fixes the rate of wages of employees of the metropolitan park commission and the metropolitan water and sewerage board at a minimum of \$2.25 per day; while in Colorado the employment of labor on a tunnel to be constructed by the State is regulated (ch. 221) by a provision fixing the hours of labor at 8 per day and the minimum wage at \$3 per day, and prescribing that sanitary conditions shall be observed. Labor on this tunnel is to be obtained either by voluntary application or through the free public-employment office of the State. A New Jersey statute (ch. 88) relates to the time of the payment of wages of employees of counties, directing all counties of the first class to pay their employees twice monthly. A concurrent resolution of the California Legislature (Resolutions, ch. 25) ratifies an amendment to the charter of the city of San Francisco fixing the hours of labor on public works at 8 per day and the minimum wage rate at \$3. The Pennsylvania Legislature (joint res. No. 4) proposes an amendment of the constitution which will authorize the legislature to fix the wages, salaries, and hours of work or labor, and to provide for the protection and safety of employees of the State or its municipalities, or of contractors or subcontractors in behalf of the same.

The 8-hour day for employment on public works is a subject of legislation in a number of States. Thus in Idaho (ch. 131) work in excess of 8 hours is to be paid for on the basis of 8 hours being a day's work; current rates of wages are to be paid. The New Jersey statute (ch. 243) requires that all mechanics, workmen, and laborers

employed by or on behalf of the State for any of its municipalities or by contractors or subcontractors shall not be required to work more than 8 hours unless in emergency, in which case extra pay is to be allowed for the overtime work. The Wisconsin statute on the subject is amended (ch. 171) by requiring that contracts must stipulate the 8-hour day for workmen employed thereunder and restricts the use of the term "extraordinary emergency" to the protection of property or life from the public enemy, fire, flood, or storm. A statute of Connecticut (ch. 282) prescribes 8 hours as the limit of a day's work for engineers, firemen, and mechanics employed in State institutions. The naval appropriation act of the United States Congress (ch. 239) provides for the construction of certain vessels and hulls and requires that the 8-hour day shall be observed in all work performed in connection therewith. The appropriation act for the postal service (ch. 241), in providing for the payment of letter carriers, directs that none of the money appropriated shall be used to pay those carriers who work more than 48 hours in 6 working days of the week except the first 5 and last 15 days of each year. Massachusetts makes the adoption of the 8-hour law optional with the municipalities, and by a statute enacted this year (ch. 494) directs the observance of the 8-hour law by contractors and others doing work for the State or for any municipality that has adopted the 8-hour day. Provision is made for emergencies, and the printing of ballots and the labor of employees in public institutions, etc., are excepted.

The law of Massachusetts (ch. 532) establishes a retirement system for employees of the State, providing for a State pension system combined with annuities made up from contributions by the employees. After 15 years of service, members of the retirement association 60 years of age may be and those 70 years of age must be retired. Membership in the association is voluntary for present employees, but persons under 55 years of age becoming employees after the date of the establishment of the retirement fund are members after 30 days of service; contributions range from 1 to 5 per cent of the salary or wages of the employee. For the purpose of reckoning the contributions, not over \$30 weekly earnings are considered. The treasurer of the State controls the funds, monthly payments to be at a rate of not less than \$200 per year nor more than one-half the average annual salary or wages of the member during the 10 years prior to his retirement. The same legislature (ch. 338) made a number of changes in the details of chapter 619, Acts of 1910, which provided for retirement systems for employees of cities and towns. The law is restricted in its application to regular and permanent employees, and the same scale of payments is adopted as that noted above in connection with State employees. A special provision is made (ch. 413) for the retirement of laborers employed by the city of Boston, the statute to be effective after acceptance by the city. Re-

tirement at half pay after 25 years in service and reaching the age of 60 years is provided for employees physically incapacitated, while persons who have served for like period and have reached the age of 70 years are to be retired without reference to physical capacity. The matter of administration is to be in the hands of a retirement board. A statute relative to the retirement of employees of counties was also enacted (ch. 634). The New York Legislature (ch. 669) amended the charter of Greater New York by authorizing provisions for the retirement of any officer, clerk, or employee of the city after 30 years of service who is physically or mentally incapacitated. This law does not apply to the police, teachers, or members of the fire or health departments, these having special provisions. Another statute (ch. 839) likewise amends the city charter with the view to providing a relief and pension fund for the clerical and uniformed force of the street cleaning department. Among the sources of revenue for the fund are contributions of 3 per cent of their salaries or wages by the employees.

¶ Leave of absence of 15 days with pay is to be granted "each and every" employee of the State of Nevada by the provisions of a statute of its recent legislature (ch. 20).

Laws having in view the benefit of local labor generally rather than public service were enacted by the legislatures of three States providing for the use of domestic products by the State. Thus a statute of Missouri (p. 107) directs that the products of the forests, quarries, and mines of the State shall be preferred for use in the erection of its public buildings if procurable on as favorable terms and of equal quality with other materials; while in Washington (sen. joint res. No. 10) it is directed that for all State buildings Washington products and materials shall be used as far as possible. In Michigan provision is made that if bituminous coal is used in State institutions it must be a State product unless the cost is excessive (ch. 166).

#### WAGES.

Besides the provisions regulating wages in public employment and the appointment of the minimum wage commission by the Massachusetts Legislature, numerous statutes were enacted touching some phase of the question of wages in private employment. Rates of wages were directly considered in but one instance, the Legislature of California (Concurrent Resolutions, ch. 25) having ratified an amendment to the city charter of San Francisco which fixes as the minimum wage of employees on street railways the sum of \$3 per day with one and one-half pay for overtime work. This question is indirectly affected by a statute of Wyoming (ch. 74) which forbids coal to be screened before it is weighed if payment for mining is based on the bushel or ton measurement, and by one of Massachusetts (ch. 584) which forbids fines for imperfect work in weaving.

The medium of payment is the subject of a statute of California (ch. 92) which prohibits the payment of wages in nonnegotiable orders, etc., providing that all paper issued as wage payments shall be payable at a bank without discount. A similar provision is made in the statutes of Nevada (ch. 66) and Indiana (ch. 68). The latter also requires that the price of goods or merchandise sold or furnished to employees shall be no higher than the cash prices allowed other customers. A New Hampshire statute (ch. 78) directs cash payments by certain classes of employers, but permits payments by check if acceptable to the employee.

The time of payment is considered by the Indiana and New Hampshire statutes above mentioned, a weekly pay day being prescribed. A statute of Maine (ch. 39) prescribes a like period for the payment of wages except for lumbering and by cooperative corporations or associations. A law of Massachusetts requiring incorporated express companies to pay wages weekly was so amended (ch. 208) as to apply to all express companies. A Missouri statute (p. 150) and one of New Jersey (ch. 371) prescribe semimonthly pay days, the former for all corporations and the latter for railroads. These statutes do not interfere with payments at shorter intervals. A California law (ch. 663) directs all employers to pay their employees at least monthly. A statute of Massachusetts (ch. 249) requires wages to be paid before the close of the workday, i. e., on the time of the employer, unless paid during the interval for meals.

The law of Maine mentioned above provides that wages earned up to the eighth day prior to pay day shall be paid unless the employee is leaving service, when he shall be paid in full on the first day thereafter; if he is discharged, he shall be paid in full on demand; while that of California directs that discharged employees shall be paid in full immediately and those resigning voluntarily within 5 days. A Kansas statute (ch. 219) directs wages to be paid within 10 days after the termination of employment, and one of Indiana (ch. 178), relating to railroad employees only, within 72 hours thereafter. Immediate payment of discharged employees is prescribed by statutes of Idaho (ch. 170) and South Carolina (No. 24). The Idaho statute makes failure to pay on demand the wages due on any pay day ground for a claim for continued wages up to 30 days, even though no service is rendered, while the South Carolina law provides a penalty of \$5 for each day's delay after demand by a discharged employee to the pay officer. Wages due deceased employees in an amount not exceeding \$75 may be paid to the surviving relatives, or, if there be none, to designated creditors, without letters of administration, according to a statute of Delaware (ch. 259).

Assignments of wages are regulated by several statutes, one of Alabama (p. 370) making void all assignments of future earnings or orders affecting the same, except that 30 days' earnings may be assigned for groceries, clothing, medical expenses, insurance, or house

rent. A statute of Arkansas (No. 34) requires as conditions of validity that employers shall accept assignments, that they shall be filed with the county recorder, and, if of a married man, that the wife shall consent thereto; similar provisions are contained in a statute of Minnesota (ch. 308), while a statute of Missouri (p. 143) forbids the assignment of future earnings and directs that any assignment made shall be in writing and state the correct amount of wages assigned. A statute of Montana (ch. 56) contains similar provisions to those found in the laws of Arkansas and Minnesota above mentioned, and requires that persons or companies engaging in the business of wage brokers shall be licensed, giving bond, and that no more than 12 per cent annual interest be charged on the amount actually loaned. Notes, etc., given in violation of the act are void. An Ohio law of similar nature (p. 469) requires the license to be secured from the secretary of state instead of from local authorities as in Montana, fixes the interest rate at 8 per cent per annum, allowing a charge of 10 per cent for other expenses, payable but once; renewals within one year are to be without cost. The husband or wife of a married assignor must join in the assignment. The law of Massachusetts on this subject is amended (ch. 727) by requiring a release of any assignment when the debt is paid. No assignment is valid unless it shows that \$10 a week is exempt, nor may the period of the assignment extend over one year. The provisions as to acceptance by employer, consent of wife, and recording are the same as those noted above. In New York (ch. 626) the existing law was amended by requiring the note to be dated the day the loan is made, that the employer must have a copy within three days or the same can not be sued upon, and that firms or corporations loaning money on wage assignments must register their name and place of business, and may not charge in excess of 18 per cent per annum for interest, investigation, the drawing up of papers, etc.

The subject of exemptions is considered by an act of the Maine Legislature (ch. 175), which strikes out a proviso which excepted bills for necessities and requires that \$10 weekly shall be exempt from execution in all cases. The New York law is amended by a provision (ch. 532) that a creditor may get execution on but 10 per cent of a debtor's wages where they amount to \$12 per week or more, all being exempt if less; only one judgment can be effective at one time, but more may exist and take effect in succession. The earnings exempt by law to workmen are added to the sums going to the widow of a deceased workman for the use of herself and children by a Kansas statute (ch. 189).

The garnishment of wages was considered by the legislatures of four States. That of Indiana enacted a law (ch. 62) which amends the previous statute relative to the sending of claims outside the State to escape the operation of the law exempting wages from

garnishment, making the law more explicit and exclusive; while in Missouri two statutes regulate the garnishment of wages of railroad employees, exempting from the restrictions of sections 2427, 2428, Revised Statutes, debts contracted in the State and due to bona fide citizens (p. 142 bis), while a third statute (p. 141) requires personal service and that any suit to garnish wages must be brought in the county of the residence of the debtor or where the debt was contracted. In Colorado (ch. 143) and Wyoming (ch. 56) the wages or salaries of public employees are made subject to garnishment the same as of persons privately employed.

Wages are given a preference over other claims against corporations by a statute of Vermont (No. 143, Acts of 1910), 3 months' wages being made a first lien on the property and franchises of a corporation regardless of other liens or mortgages; while in Connecticut (ch. 88) and Wisconsin (ch. 17) wages are given a preference above general debts in the settlement of estates; in the latter State this preference does not extend to sums exceeding \$300 in amount. A statute of South Dakota (ch. 150) declares no property exempt on a judgment for wages except property made by law absolutely exempt.

Several States amended or extended their laws relating to liens of mechanics or laborers for the security of wage debts. The changes made relate to the subject matter of the liens, the persons entitled thereto, and the method of securing and discharging the same. General amendments of this sort were made in North Dakota (chaps. 178, 187); in Nevada (ch. 160), relative to the building lien law; in Oregon (ch. 100), relative to liens on vessels; in Arkansas (No. 324), relative to liens of blacksmiths, wheelwrights, and horseshoers; in Missouri (pp. 313, 314), relative to liens on licensed or leased property; and in Oklahoma (ch. 114), relative to the general laborers' liens on the products of their labor. The amendment of lien claims is the subject of a New Jersey statute (ch. 30), and provisions as to notice of a statute of Oregon (ch. 159). Liens affecting specific subject matter are provided for in laws of Idaho (ch. 226), relating to logs, lumber, etc.; Minnesota (ch. 320), motor vehicles; Maine (ch. 47), lands improved or beautified by the skill or labor of the claimant; and Michigan (No. 116), grain threshed; while in Colorado (ch. 164), Oregon (ch. 141), and Wyoming (ch. 26) liens are given for labor in and about mines, etc. The New Hampshire statute (ch. 116) provides for a lien on any balance due a contractor, agent, or subcontractor to secure wages remaining unpaid after the work is done. Recovery of wages due for labor on public works is provided for by an amendment to the New York statute which provides for a lien on any moneys applicable to the transaction or work on which labor was done (ch. 873); while in New Jersey (ch. 375) the lien law is supplemented by allowing the laborer to give notice of a

lien to the officials in charge of any work, such lien having priority over an assignment by the contractor. The claim may be paid after 5 days' notice, unless the contractor shows cause to the contrary.

The method of requiring a contractor on public works to give bond for the protection of the wages of workmen was a subject of legislation in several States. California enacted two laws on this subject, one (ch. 496) relating to street work, and the other (ch. 734) to building or mechanical work for the State or its municipalities. In Georgia (p. 86, Acts of 1910) a bond running to the State or to the municipality having the work done is required, and may be sued upon within one year from the completion of the contract. A Missouri statute on this subject (p. 106) directs the officials to fix the amount of the bonds required, this provision taking the place of a requirement that there shall be a bond of "sufficient amount." The Indiana statute (ch. 173) authorizes agents of funds to withhold from contractors sums for the payment of laborers and subcontractors, claims thereon to be filed within 30 days from the completion of the work. Contractors are also required to give bonds so drawn that their sureties shall be liable for wage debts. A statute of Arkansas (act No. 446) applies this principle not only to public works but also to work for churches and charitable institutions, for all of which a bond is required where an amount in excess of \$100 is involved in the contract. Contractors for private work may, if they choose, give a bond in double the amount of the contract to secure the payment of wages and other debts; in case the employer requires such a bond no lien will attach to the building. In Colorado (ch. 163) railroad, reservoir, and irrigation companies are required to secure bonds from contractors to protect wage claims.

#### HOURS OF LABOR.

The hours of labor of employees on railroads are regulated by a law of California (ch. 484), which fixes at 16 hours per day the maximum employment period for trainmen, train dispatchers, and telegraph operators, following which 8 hours' rest must be allowed; one of Nebraska (ch. 148), which fixes the maximum for persons employed in train movement at 16 hours per day, to be followed by 8 hours' rest, while telegraph operators, dispatchers, etc., may work not more than 9 hours in 24 in offices which are constantly open and not more than 13 hours in any case; one of North Carolina (ch. 112), where the law is amended to provide as in Nebraska; and of Oregon (ch. 137), where the hours of labor for persons engaged in the movement of trains are fixed at 14 per day, to be followed by 10 hours' rest if the service was continuous or 8 hours if the service was broken, the hours for telegraph operators being fixed at 9 out of the 24. The hours of labor of employees on street railways in San Fran-

cisco are fixed at 8 per day, the work to be done in 10 consecutive hours, under the charter of the city as ratified by a concurrent resolution (Concurrent Resolutions, ch. 25) of the California Legislature.

The 8-hour day is prescribed for labor in open cut as well as underground mines in Colorado (ch. 149) and Nevada (ch. 188), the former law including also smelters, reduction works, coke ovens, etc., work therein being declared to be injurious and dangerous. The hours of labor of hoisting engineers who hoist or lower workmen in anthracite mines are restricted to 8 per day by a Pennsylvania statute (p. 102); while in Montana (ch. 21) the 8-hour limitation is extended to railroad and other tunnels as well as to mines.

A New York statute regulating the hours of labor in drug stores is amended (ch. 630) so as to restrict employment to 70 hours per week and 132 hours in any 2 weeks, requiring 1 full day off in each 2 consecutive weeks. The statute of Georgia regulating the hours of labor in manufacturing establishments is amended (p. 65) so as to make the hours of labor 10 per day and 60 per week after January 1, 1912, instead of 11 per day and 66 per week, as formerly. In this connection may be mentioned a statute of New Jersey (ch. 273), which prescribes the allowance of one-half hour for meals at midday or after 6 hours' work in factories, workshops, etc., except on Saturday. The time is to be fixed and a schedule of the hours of labor posted in the establishment. In Ohio also (p. 488) employers of females are to allow 30 minutes for mealtime if there is a lunch room connected with the establishment, or, if not, 1 hour is to be allowed.

#### SUNDAY LABOR.

The legislature of Wisconsin relaxed the law of the State relative to Sunday labor by a statute (ch. 125), which declares that wages for labor done in connection with any newspaper dated, published, or issued on Sunday shall be recoverable notwithstanding the date of such issue; while, on the other hand, it declared (ch. 614) that stores selling dry goods, clothing, hardware, furniture, crockery, jewelry, coffee, teas, or spices are not engaged in a work of necessity or charity so as to bring them within the exceptions provided for in the statute. The Legislature of Hawaii (act No. 49) strikes out barber shops from the list of establishments that may remain open on Sunday, and adds garages and the operation of licensed automobiles to the list of businesses to which the law prohibiting labor on Sunday is declared not to apply. The law of Georgia restricting the operation of freight trains on Sunday is amended (p. 70) so as to allow trains to run until 9 a. m. Empty refrigerator cars may also run to icing or loading stations, and interstate trains may stop at any station to take on or forward cars loaded with perishable products.

An act of Congress (ch. 241) requires that city letter carriers who work on Sunday shall have an equal time off during the working days of the succeeding week. A law of like tenor but of more general application was enacted by the Legislature of Connecticut (ch. 162), which directs that workmen employed on Sunday shall have 1 full day off in the next 6. This law does not authorize Sunday labor except as now permitted and does not apply to farm labor or personal service, janitors, watchmen, druggists, persons engaged in transportation service, industries continuously operated, or to persons employed in the repair or care of manufacturing or other plants.

#### HOLIDAYS.

Seventeen States made provision for the legal observance as a holiday of the 12th of October, known as Columbus or Discovery Day. These States are Alabama, Arkansas, California, Delaware, Idaho, Indiana, Kansas, Maine, Massachusetts, Nebraska, Oklahoma, Oregon, Pennsylvania, Texas, Vermont, Washington, and West Virginia. Three of the foregoing States also added another day to the list of legal holidays, as follows: Alabama (p. 120), the Tuesday before Ash Wednesday, known as Mardi Gras Day; Arkansas (act No. 286), June 3, Jefferson Davis's Birthday; and Idaho (ch. 158), June 15, known as Pioneer Day. The Legislature of Hawaii made Thanksgiving Day or any day of fasting or religious observance appointed by the President as well as any day appointed by the governor as a holiday, a legal holiday in that Territory (act No. 167). In Arkansas (act No. 47), general election days, and in California (ch. 398) primary election days are declared legal holidays. In Ohio (p. 11) Saturday afternoons are made legal holidays; the same is true in California (chs. 320, 321) in so far as public offices are concerned. The Massachusetts Legislature passed a law (ch. 151) prohibiting any employment on legal holidays except such as is lawful on Sunday, and is the only State having such a law.

#### REGULATION AND INSPECTION OF FACTORIES, ETC.

The laws in this class are chiefly by way of amendment of existing regulations, in but few instances a really new feature being added. In Iowa (ch. 172) the law requiring compliance with orders of inspectors within 90 days was amended so as to require such compliance within 30 days; a penalty is also added for removing cards or safety appliances. The Ohio Legislature (p. 428) made more specific the requirement of section 1027 of the General Code as to guards for dangerous machinery, including the boxing of shafting; railings or casings for cogs, fly and band wheels, belts, etc.; the guarding of openings in floors for elevator shafts and stairways; the guarding of saws, and the provision of handrails on runways for oiling machinery if

more than 5 feet above the floor. Blowers are also required for emery and other polishing wheels, with the necessary adjuncts. Another act of the same legislature (p. 427) reduced the amount of the fine enforceable for failure to comply with an inspector's orders. Section 1636j of the Wisconsin statutes is amended (ch. 470) by adding saws and any revolving appliances to the list of objects which are to be guarded when situated so as to be dangerous to employees. In Rhode Island (ch. 701) elevator shafts must be protected by automatic or semiautomatic gates 6 feet in height; these are to slide vertically upward, and the law is made to apply to mercantile establishments as well as to factories. Local building inspectors are given equal authority with State inspectors for the inspection of elevators in Massachusetts (ch. 455). In Illinois (p. 314) the use of emery wheels and similar apparatus is forbidden in basements or rooms wholly or partly below ground.

The enforcement of inspection laws is considered in several statutes, the Legislature of Arkansas (act No. 472) charging the commissioner of health with the duty of inspecting mills, mines, and railroads as to their sanitary condition, and of prescribing and enforcing sanitary measures. In Colorado a department of factory inspection is created and a new factory inspection law enacted (ch. 132), laws in conflict with the new legislation being repealed. The law relates to the guarding of dangerous machinery and hoistways, ventilation, the supply of fire escapes, means of egress, water-closets, and dressing rooms, and directs that an inspection shall be made on the complaint of any employee. Certificates of inspection are to be granted and appeals to arbitrators may be had if any proprietor is aggrieved by the orders of the inspector. The law provides that damages shall be recovered for any injury to the employee caused by failure to comply with the law. In Indiana also (ch. 226) a State bureau of inspection is created, with three departments—one for the inspection of buildings, factories, and workshops, one to have charge of mines and mining operations, and one for the inspection of steam boilers. The chief of the bureau and 3 deputies are appointed by the governor, while each deputy, with the consent of his chief, appoints 3 assistants. This bureau takes over the duties of the present inspectors of factories and mines and of the labor commissioner. The Legislature of Massachusetts (ch. 616) added 3 members and that of New Jersey (ch. 210) 6 members to their State inspection forces. In Illinois (p. 326) a physician at a salary of \$1,500 per annum and 5 deputy inspectors are added. In Ohio (p. 456) the inspection force is organized by requiring that the first assistant inspector of factories and workshops shall be a practical architect, while the second assistant must also be a practical architect with knowledge of heating and ventilation. The inspector of factories in Minnesota

is authorized (ch. 288) to affix a notice to any machinery found improperly guarded, after which such machinery shall not be used until his orders are complied with. Exhaust fans are to be installed for other dust-creating machinery, as well as for emery wheels and grindstones previously provided for, and engineers are to have speaking tubes communicating with the room in which machinery is operated. Other amendments made by this chapter relate to barriers for hoistways, signs directing to fire escapes, and the number of water-closets to be supplied, the ratio being one for each 25 employees. In Ohio (p. 360) an inspector may give notice of any needed changes for safety or sanitation and the employer is required to comply within a fixed time. Continuing failure is to be treated as a repeated offense, and the use of buildings contrary to the inspector's orders may be enjoined as a public nuisance. Details are prescribed as to means of egress in case of fire, the arrangement of fire escapes and doors, and fixing the ratio of the number of employees permissible in relation to the floor space and means of exit. Doors are not to be barred or locked during the hours of work, and ways are to be kept clear. The penalty for using machinery after it is condemned by the inspector is increased in this State (p. 450) so that instead of a minimum of \$25 and a maximum of \$100 for the first offense, the offender may be fined for the first offense from \$100 to \$200, while for subsequent offenses the fine may be from \$500 to \$1,000 instead of from \$50 to \$500. The Oregon statute requiring the inspection of factories and the issuance of certificates is amended (ch. 48) so as to exempt establishments using not more than 2 horsepower. In New Hampshire (ch. 30) and North Carolina (ch. 57) the provision of medical and surgical supplies in factories and shops using machinery is required, in the former State where 3 or more persons, in the latter where more than 25 persons are employed.

A Wisconsin statute (ch. 170) directs inspection as to ventilation, which must be sufficient to secure circulation without drafts; other acts of the same legislature (chaps. 330 and 407) prescribe rules for cleanliness and a supply of cuspidors and prohibits spitting on the floors of factories, etc. The subject of water-closets and wash or dressing rooms is considered in statutes of Iowa (ch. 171) and Nebraska (ch. 67). In the latter law provision is also made for ventilation, general sanitary provisions, and the carrying off of dust from grinding machinery. No cracked grindstones may be used, dangerous machinery must be guarded, and accidents are to be reported. The Massachusetts Legislature (ch. 281) forbids the use in textile factories of suction shuttles, i. e., of shuttles in which the shuttle or thread must be touched by the mouth or lips of the operator in order to bring the thread within reach of his fingers. In the same State (ch. 603) the lighting of factories is directed to be made

the subject of inspection, in connection with which injuries to the eyes and the relation of the eye and vision to diseases of occupation are to be investigated. The inspector is authorized to order such changes as may seem to him necessary.

Statutes particularly applicable to foundries were enacted in New Jersey (ch. 206) and Pennsylvania (p. 673). Provision of warmth, light, and ventilation is required, as well as of suitable wash rooms and toilet rooms with a proper supply of water.

Details as to the number, location, and construction of fire escapes are contained in laws of Connecticut (ch. 239), Nebraska (ch. 56), New Hampshire (ch. 43), New Jersey (ch. 214), and Wisconsin (ch. 441). The New Jersey statute is a complete revision of the law of the State on this subject and prescribes the minimum requirements, giving the commissioner of labor authority to require additional provisions. Pails of water and sand are to be kept in convenient locations, and cans or barrels for the deposit of waste are to be provided; signs guiding to exits must be supplied and all doors are to open outward. Fire drill is required at least once each month in buildings over 2 stories in height. The provisions found in chapter 64, Acts of 1904, relative to fire escapes, etc., are repealed (ch. 215). The laws of the other States named contain similar provisions as to fire escapes in greater or less detail. The inspection of fire escapes devolves upon an officer newly appointed in the States of New York (ch. 451) and of Pennsylvania (p. 705), who is designated as fire marshal. In New York the fire marshal is a State officer appointed by the governor, with deputies, all municipal fire marshals being subject to his orders, while in Pennsylvania the office is local, appointments being made in each city of the first class by the director of public safety of the city. The New York officer has no authority in cities having over 1,000,000 population. Other provisions relating to safety in case of fire are found in Wisconsin (ch. 378), where the requirement is added that doors of exit must remain unlocked during working hours; in Iowa (ch. 173), where a penalty is provided for failure to maintain doors opening outward; and in Pennsylvania (p. 677), where fire drills are prescribed at least monthly in all factories where women or girls are employed, and fire escapes or means for extinguishing fires are required by statute. An Illinois statute (p. 146) requires factory, store, etc., buildings to be provided with a gas cock for shutting off the flow of gas in case of fire without the necessity of entering the building for this purpose.

Special provisions relating to the sanitation of bakeries, confectioneries, and like establishments were enacted in Illinois (p. 528), Missouri (p. 258), New Jersey (ch. 327), New York (ch. 637), Oklahoma (ch. 125), and Wisconsin (ch. 446). These laws are in part new and in part amendatory, and contain provisions as to the furnishing of toilet rooms, the supply of cuspidors, the prohibition of

sleeping in working or storage rooms, the employment of workmen having contagious or infectious diseases, etc. The Wisconsin statute directs that work suits with caps and slippers shall be used during employment. In this connection may be mentioned a provision of the act of the New York Legislature (ch. 630) regulating employment in drug stores, which provides that no room shall be used for sleeping purposes by any employee unless it complies with the sanitary regulations prescribed by law.

Inspection of steam boilers was a subject of legislation in a few States, only minor changes being made, however, except in the State of Ohio. In this State provision is made (p. 494) for the appointment of a board of boiler rules, who are to inspect all stationary steam boilers, prescribe safety equipment, and promulgate rules for construction, installation, and operation. Boiler inspectors under this board are to be appointed only after examination, and inspected boilers are to be certified.

Not belonging strictly to this class of laws but of similar intent are statutes of Minnesota (ch. 354) and Wisconsin (ch. 466), the latter an amendatory law relating to the installation of adequate guards for the protection of workmen employed at corn shredders so as to prevent dangerous approach to the snapping and husking rollers; the Wisconsin statute directs that safety or automatic feeding devices must be provided.

Here also may be noted a law of California (ch. 500) prescribing the construction of electric subways, manholes, etc. The law regulates the dimensions, form, and material of construction and the drainage of subways for electric wires into which workmen must enter, and the size and location of manholes. A law of Texas (fourth called session of 1910, ch. 2) requires all persons baling or compressing cotton to make the ends, ties, buckles, etc., of the bands or ties safe for workmen handling the bales in transportation, storage, etc. The duty of inspection is declared to devolve upon the employer and not on the employee.

#### PROTECTION OF EMPLOYEES ON BUILDINGS.

Under this head are to be found laws of California (ch. 590), Indiana (ch. 236), Ohio (p. 450), Rhode Island (ch. 715), and Wisconsin (ch. 49) relating to the supply of counterfloors to be laid during the progress of the construction of buildings. These floors are to be laid on every course of joists before work is carried forward on the next working level in buildings more than two stories in height and not be removed until replaced by the permanent floor. The Rhode Island statute is restricted in application to buildings having iron or steel frames; this law and that of Wisconsin also direct the guarding of hoistways by adequate barriers. The Ohio statute

strikes out the requirement previously existing that notice must be in writing in order to bind a contractor. The law of Indiana is quite broad, gives many details, and is coupled with a declaration as to the duty of employers conducting dangerous occupations. Laws relating to the sufficiency of scaffolding were enacted in Nebraska (ch. 65) and New York (ch. 693), the latter law being an amendment of existing regulations. Secondary scaffolding and safety rails for elevated work are among the provisions directed.

#### MINE REGULATIONS.

In Alabama (p. 500), Illinois (p. 387), Montana (ch. 120), and Pennsylvania (p. 756), codes of laws relating to the regulation of mine operations were newly enacted in 1911, involving the repeal of numerous older acts. The Pennsylvania law relates to bituminous mines only, the subject of the regulation of labor in anthracite mines having been made the subject of consideration by a commission provided for by the same legislature (p. 920). These laws are very detailed and contain regulations covering the whole subject of maps, inspection, hoisting systems, travelways, signals, lighting, blasting, electrical installation, and the qualifications of workmen, etc. In Iowa (ch. 106) the mining law was subjected to numerous amendments and additions, a number of earlier sections being repealed. Specific enactments relating to illuminating oil are to be found in the legislation of Alabama (p. 568) and Ohio (p. 149); regulating the grading, inspection, and marking of blasting powder, Illinois (p. 385); and its use in mines, Washington (ch. 65); requiring the installation of telephone systems and the provision of wash rooms for workmen, Kansas (chs. 221, 222); prohibiting the storage of food for animals or the feeding of animals in mines not having fireproof stables, Texas (ch. 102); regulating the installation of electric wires and the making of maps, Texas (ch. 97); and requiring buildings inside mines to be of fireproof construction, Pennsylvania (p. 979). The North Carolina law limiting the number of workmen to be hoisted at one time to two was amended (ch. 183) so as to allow six workmen to be taken up on each trip.

The Missouri Legislature passed three laws (pp. 317, 318, 319) relating to mines other than coal, the first relating to ventilation, the second to inspections on complaint by any workman, and the third to the storage of explosives in mines except as needed for use, and forbidding their preparation for firing or blasting in any magazine; while in Montana (ch. 72) the operation of quartz mines more than 300 feet in depth is regulated as to ventilation, the supply of toilet rooms or cars, the daily cleaning of stables, the guarding of chutes, etc., and the supply of landings at intervals of not more than 30 feet on ladderways.

The inspection force was considered in some of the laws above mentioned, as in Alabama, where the law provides that there shall be 1 inspector for each 2,500,000 tons of coal mined, who must hold a foreman's certificate of the first class; while in Colorado (ch. 91) inspectors are to have a practical knowledge of mining, the word "scientific" being stricken out of the earlier law fixing prerequisites for appointment. A fourth district is added to the mining districts of the State, and a branch office of the bureau of mines is to be established in each district. In Michigan (act No. 163) a county inspector of mines is to be elected in counties in which iron or copper mines are worked. Candidates must have had 10 years of actual experience and give bonds for the faithful performance of their duties. This statute enacts various regulations and directs the reporting of accidents in mines. In Nevada (ch. 17) the office of State inspector of mines is made elective and the term is fixed at 4 years. The law of Utah is amended (ch. 132) so as to authorize the appointment of a deputy inspector and directing that the annual returns of operators shall give the number and nationality of workmen and number of fatal and nonfatal accidents. Ventilation, use of safety lamps, and the making of bore holes in approaching dangerous working places are subjects considered in this chapter. A Wyoming statute (ch. 101) prescribes the appointment of a State coal-mine inspector having specified qualifications, after an examination by a board of 5 persons appointed by the governor for this purpose. A Nevada statute (ch. 201) strikes out the provision of a former law which made failure to obey the orders of an inspector a misdemeanor and each day's negligence a separate offense. This chapter adds a number of provisions relative to the storage of explosives, the use of tamping bars, the removal of timber no longer needed in mines, the construction of hoists and ladders, the maintenance of exits, ventilation, etc. A purchase of rescue apparatus is also prescribed by this law, for which purpose the sum of \$1,500 is appropriated by a separate act (ch. 118), the money to be expended by the inspector of mines.

In Illinois a commission appointed in 1910 (p. 2), charged with the maintenance of fire fighting and rescue stations in the State, is authorized (p. 424) to secure technical assistance for the giving of instruction in the use of fire-fighting and rescue apparatus. The reports of this commission are to be biennial instead of annual, as provided in the earlier law. The same State has a law (p. 419) directing the installation of telephones, requiring fire drills to be held, regulating the construction of stables, etc., by way of protection or safety in case of fire. In this connection may be mentioned the appropriation of \$10,000 by an act of the United States Congress (ch. 285) to investigate the causes of mine explosions, safe methods of mining, the prevention of accidents, and the use of explosives and electricity.

The proximity of oil and gas wells to mine operations is the subject of laws of Illinois (p. 426) and Ohio (p. 457), the former fixing 250 feet and the latter 300 feet as the minimum distance at which they may be sunk. Provisions relating to the penetration of excavations and the abandonment of wells are enacted.

The subject of special hospitals for miners was considered in an act of the Pennsylvania Legislature of 1887 (act of June 14). This act was omitted from the compilation of State laws used by the Bureau of Labor in the preparation of the Twenty-second Annual Report of the Commissioner, but is amended by an act of the current year (p. 837), so that it must be assumed to be valid. The amendment relates to the admission of patients other than those injured in mines if the hospital accommodations are sufficient.

### RAILROADS.

Laws enacted for the benefit of railway employees or the regulation of the conditions of their employment are quite numerous in 1911 and relate to several phases of the subject. The qualifications of certain employees are considered in 4 States, one of Massachusetts (ch. 539) requiring that locomotive engineers shall have had 2 years' experience as firemen or engineers' helpers, and that conductors shall have served 2 years as brakemen or have had previous experience as conductors on railway trains. In Michigan (act No. 187) freight engineers must have served 3 years as firemen and passenger engineers must have had 2 years' experience as freight engineers. Conductors on freight trains must have served 2 years as brakemen or conductors, while passenger conductors must have had 1 year's experience as conductor of either a freight or passenger train. Telegraph operators must be at least 19 years of age and have had 30 days' training under an experienced operator. No one is to act as flagman until after 3 months' experience as a brakeman. The Indiana law (ch. 233) relates to section gangs, and requires that at least 2 men in each gang shall be able to pass an examination in the flagging rules of the road. In Idaho (ch. 161) conductors, engineers, firemen, brakemen, switchmen, or other employees who may act as flagmen must be able to read, write, and speak the English language. The matter of protection for railroad employees is the subject of a law of Indiana (ch. 261), which makes it a misdemeanor for anyone to prefer false charges without probable cause against any employee of a railroad to the effect that he has accepted anything of value for the transportation of persons or goods or has failed to account for money received.

The subject of an adequate working force for railroad trains was considered in several laws prescribing a minimum crew for trains of certain composition with prescribed additional employees on trains

having a greater number of cars. On passenger trains the minimum crew prescribed by these laws consists of 4 men, the Nevada law requiring this number on a train of 2 cars or less, while in other States this is considered a sufficient crew for 3 to 5 cars, though the Pennsylvania law requires 6 men when 4 or more cars are used in a passenger train. The States enacting new or amending laws on this subject in 1911 are California (ch. 49), Nevada (ch. 204), Ohio (p. 508), Pennsylvania (p. 1053), and Washington (ch. 134). Some of these laws relate to freight trains as well as to passenger trains, and that of California prescribes the qualifications for service, which are practically the same as those noted above. The Pennsylvania statute directs that the rear car of a mail or express train shall have a rear exit, platforms, guard rails, and adequate provisions for heating. A statute of Indiana (ch. 74) prescribes the composition of the minimum switching crew, the same to consist of 5 workmen, as follows: Engineer, fireman, foreman, and 2 helpers. These are to engage in no other duties while the engine is switching cars, and the foreman and 1 helper are required to have had 1 year's experience as switch conductors or brakemen.

The construction of caboose cars, their dimensions, and their equipment are made the subject of legislative action in Arkansas (act No. 418), Indiana (ch. 60), Iowa (ch. 93), Missouri (p. 157), Nebraska (ch. 88), North Dakota (ch. 245), and South Dakota (ch. 208). These laws are practically uniform and fix the minimum length at 24 feet (28 feet in Missouri) with two 4-wheel trucks. Platforms, guard rails, grab irons, steps, cupolas, closets, and windows, and other details are regulated by these laws. New caboose cars are to conform with these specifications, and when old cars are brought in for general repairs they must be made to conform before being taken out for subsequent use. A Federal statute that may be considered in this connection is one (ch. 241) that directs that railway post-office cars shall be sound and sanitary, and that after July 1, 1911, wooden cars shall conform to an approved type and not be run between steel cars or between steel cars and the locomotive. After July 1, 1916, post-office cars are to be of steel or have steel underframes.

The operation of trains by the block signal system is contemplated in statutes of Indiana (ch. 188), directing the use of an automatic block or other system approved by the State railroad commission on steam and electric lines operating single cars as well as trains; Minnesota (ch. 322), requiring that proposed installations of safety appliances be of a type approved by the State railroad and warehouse commission and be submitted to inspection before use; and Wisconsin (ch. 297), requiring the installation of adequate safety devices and authorizing the railroad commission to investigate and determine the need of a block system or other safety device and to

order its adoption, and establish reasonable rules for the installation, operation, and maintenance of the same. The Federal Congress (ch. 285) appropriated \$25,000 to enable the Interstate Commerce Commission to make investigations as to the use of block signal systems and appliances for the automatic control of trains, and as to the necessity for the adoption of such devices.

A variety of safety appliances were considered in other laws, an act of the Arkansas Legislature (No. 261) requiring frogs and guardrails to be blocked so as to keep the feet of employees from catching therein; another law of this State (act No. 23) requires switch lights to be maintained on railroads operating during the nighttime. An Oregon statute (ch. 219) requires the blocking of frogs, switches, and guardrails, and directs that flagmen shall be able to read, write, and speak the English language and be at least 21 years of age. An Indiana statute (ch. 169) amends chapter 118 of the Acts of 1907 on this subject by requiring hand brakes to be installed on both electric and steam trains, and fixing the distance of structures adjacent to the track at 7 feet from the center thereof, instead of making the measurement from the nearest point of contact with the widest locomotive or car used. This law makes it an offense to injure or interfere with any safety device on railways. The railroad commission of South Carolina (act No. 103) is authorized to require the installation of any safety device which in their judgment would be of material aid for the protection of train crews or of the public. Another law of Indiana (ch. 202) regulates the height and size of poles carrying electric feed wires, transmission wires, or other high-voltage wires over tracks of electric or steam roads, or over the trolley or telegraph wires connected with such roads.

The protection of repairmen from the inclemency of the weather is considered by statutes of Oregon (ch. 39) and Texas (ch. 6, fourth called session, 31st legislature), which direct that if five or more repairmen besides inspectors are employed at any point, shelters shall be constructed over the repair tracks for their benefit.

The capacity of locomotive headlights is regulated by four statutes, one of Florida (ch. 6234) requiring 2,500 candlepower on freight and passenger locomotives and one of South Dakota (ch. 213) a 1,500 candlepower, while the acts of Kansas (ch. 241) and Wisconsin (ch. 29) direct that the light shall be of sufficient power to show the form of a man at a distance of 800 feet on a normal night.

The matter of inspection is considered in laws of Indiana (ch. 56) directing the railroad commission to appoint a locomotive boiler inspector who is authorized to inspect any locomotive boiler at any reasonable time or times at the direction of the commission, and prescribing the equipment of locomotive boilers; Texas (ch. 63) requiring air brakes and attachments to be tested at division terminals

by an inspector of 3 years' experience; Vermont (act No. 149, Acts of 1910) authorizing the public service commission to make rules and fix tests for locomotive boilers used by railroads or others, directing such test to be made by the master mechanic of the company, who is to report to the commission; and by a Federal statute (ch. 103) which authorizes the President to appoint a chief and two assistant chief locomotive boiler inspectors. The chief inspector is to divide the United States into 50 districts, for each of which an inspector is to be appointed from a list secured by examination conducted by the Civil Service Commission, using questions furnished by the chief inspector. Appointments are to be made by the Interstate Commerce Commission and the employees are to remain under the classified service of the United States. It is the duty of inspectors to inspect all locomotive boilers in their districts and to give notice of defects. Boilers are not to be used until such defects are made good. Accidents caused by defects are to be reported by the railroad to the chief inspector to be investigated by him or one of his assistants or by such inspector as he may designate. The Interstate Commerce Commission may ask for a report of such investigation. A law of Connecticut (ch. 128) authorizes the public utilities commission of that State to make inspections and order changes. Any person having knowledge of defects may make complaint and inspection is to follow, the complainant being informed of the conclusions. The name of the complainant is not to be disclosed. Railroad companies are to report accidents, which the commission is to investigate, recording its conclusions and recommendations in a book that is to be open to the public.

Several matters are considered in the law of Washington (ch. 117) prescribing that telegraph and telephone companies shall have buildings and conveniences for the accommodation of patrons and employees; directing all public-service corporations to give notice of accidents, which notice may be admitted as evidence in any suit against them; authorizing the public-service commission of the State to make investigations and order repairs and changes, from which orders no appeal is allowed; and prescribing the equipment of locomotives with power driving wheel brakes, automatic couplers, steps, grab irons, footboards, and headlights. Cars are to have automatic couplers, brakes, etc. The equipment of street railway cars is also prescribed, brakes, steps, grab irons, and fenders being necessary to meet the provisions of the law. Frogs are to be blocked, inspection is provided for, and penalties fixed for violations of the law.

#### STREET RAILWAYS.

Besides the provisions noted above in connection with the regulation of steam roads, a statute of Iowa (ch. 38), applicable only to street railways, directs power brakes and a sand equipment to be pro-

vided on double-truck cars and on single cars over 32 feet in length; while a law of Massachusetts (ch. 345) amends the existing regulations by adding headlights as a part of the necessary equipment for street cars. The protection of employees on street railways by the inclosure of platforms on which workmen must stand is the subject of a law of Delaware (ch. 272). Storm windows on locomotive road engines are required by a statute of Indiana (ch. 80) for the protection of employees operating such engines.

#### INTOXICATING LIQUORS.

The use and effect of intoxicating liquors as relating to employment are made the subject of legislation in four States. In Nevada (ch. 159), Oregon (ch. 25), and Utah (ch. 106) the sale of liquor near labor or construction camps where public or quasi-public works are being carried on is forbidden, the minimum distance being 5 miles in Nevada and Utah and 6 miles in Oregon. These laws do not apply to incorporated cities or towns under the provisions of the Nevada and Oregon law, or to any existing saloon of 6 months' standing according to the Nevada law. Another law of Oregon (ch. 135) forbids the use of intoxicating liquors on any engine, car, or train, or any railway depot, except on buffet, dining, or private cars. A Minnesota statute (ch. 175) gives to employers injured by any intoxicated person the right to sue the person who sold or gave the liquor to the person so intoxicated for all damages sustained.

#### EMPLOYMENT OF WOMEN AND CHILDREN.

This subject continues to present a field for the largest number of laws relating to any single phase of the labor question. Many of these laws are of necessity amendments or extensions of previous legislation, though in some cases new features are introduced, and in general the tendency is toward stricter legislation and an approach to uniformity. A form of regulation quite commonly found in European countries appears for the first time on a statute book of the United States in the requirement by a Massachusetts statute that mothers employed in factories, etc., shall be allowed two weeks' rest before childbirth and shall not be permitted to work until four weeks after that event.

Taking up first the general regulations for the employment of children, several acts are found which entirely supersede former laws, while others make more or less extensive changes. In California (ch. 456) a general law is passed superseding the earlier statute, fixing the age limit for the employment of children generally at 15 years (12 years if parents are dependent and the child has a permit from the judge of a juvenile court or a superior court), and fixing the hours of labor for children under 18 years of age at a maximum of 9 hours per day or 54 hours per week. Work between 10 p. m. and

5 a. m. is prohibited. Illiterates under 16 years of age can not be employed during school hours unless they attend night school. Employers must keep a schedule of working time posted and have records to show name, age, and residence of children under 16, together with an age and schooling certificate. If a child within the scope of the compulsory education law is unemployed for more than two weeks during the school term he must attend school regardless of the fact that he holds an employment certificate. In Colorado (ch. 95) the age limit is fixed at 14 years, children under 16 not being allowed to work more than 8 hours per day or between 8 p. m. and 7 a. m. What may be called the standard list of dangerous or hazardous employments is prohibited to children under 16 years of age, as are all injurious or immoral employments. Girls under 16 are not allowed to be employed where they must stand constantly, nor may girls under 10 be employed in street trades. Registers of employed children between 14 and 16 years of age must be kept, and a certificate for their employment is required. Illiterates under 16 years of age must attend night school, or if there be no night school no employment certificate shall issue to them. The Connecticut statute (ch. 119) fixes a 14-year minimum age limit and requires certificates for children under 16, with an educational standard including reading, writing, and arithmetic through fractions, and an examination for physical fitness for the work contemplated. Another chapter of the laws of this State (ch. 123) enacts the standard list of employments forbidden to children under 16 years of age, and requires elevator operators to be at least 18 years of age for elevators running over 200 feet per minute. The State of Idaho (ch. 159) revised its education law and incorporated as article 18 the provisions as to the employment of children found in the Acts of 1907, page 248. An Indiana statute (ch. 209) prohibits the employment of any child under 14 years of age in any gainful occupation, except that children over 12 may be employed in fruit canning and preserving establishments from June 1 to October 1. The hours of labor for children under 16 may not exceed 8 per day unless written permission is secured from the parent or guardian of the child, but may not exceed 54 hours per week in any case, nor may work be done between 6 p. m. and 7 a. m. The standard list of dangerous employments forbidden to children under 16 is enacted, and the employment of girls under 18 where they must stand constantly is forbidden. Minor changes were made in the Massachusetts law by a provision fixing the standard of education for employment certificates at a capacity to meet the fourth-grade entrance tests (ch. 269), and by an act (ch. 310) requiring that the employment certificates of illiterate children must show that they are 16 years of age. The law of Missouri is amended (p. 132) so as to forbid the employment of children under 14 years

of age in any gainful occupation, or if not 16 years of age for more than 8 hours per day or 48 hours per week. Employment between 7 p. m. and 7 a. m. is forbidden. Factory inspectors are authorized to review all certificates, and the provision permitting the employment of children under 14 years of age whose labor is necessary for the support of the family is stricken out. The standard list of occupations forbidden to children under 16 is incorporated in the law, and street employments are prohibited for boys under 10 or girls under 16 years of age. In New Hampshire (ch. 162) the minimum age of employment is fixed at 12 years during vacation and 14 years during the sessions of school. Children under 16 may not be employed during school time unless they can read and write or have attended school for three years and the State superintendent of public instruction authorizes their employment. Boys under 10 and girls under 16 may not be employed in street trades; nor in messenger service between 10 p. m. and 5 a. m., under 18 years of age. The maximum hours of labor for boys under 16 and girls under 18 are 58 per week or 11 per day, no work being allowed between 7 p. m. and 6.30 a. m., except that children 16 years of age may work until 10 p. m. in retail stores and telephone exchanges. Certificates must be kept on file of children under 16 years of age, which are to be surrendered to any inspector after the termination of employment on his demand therefor. The North Dakota Legislature enacted a law (ch. 266) providing for the compulsory school attendance of children between 8 and 15 years of age unless their labor is actually necessary for the support of the family. Employment during school hours is forbidden, instead of during the school term as in the act of 1909, and the hours of labor permitted for children under 16 years of age is fixed at 48 per week instead of 60 as formerly. An Oregon statute (ch. 138) amended the previous law on this subject and makes the minimum age for employment in factories, workshops, mercantile establishments, and business offices 14 years, and for employments in telegraph, telephone, or public messenger service, 16 years. No child under 14 years of age may be employed for wages during the school term. School attendance from 9 to 14 years of age is required during the whole term, and to 16 if not legally employed. Night work for children under 16 is prohibited between 6 p. m. and 7 a. m. and the hours of labor may not exceed 10 per day with an intermission of 30 minutes at noon. Certificates must be on file for employed children under 16 years of age. Children between 12 and 14 years of age may be employed in suitable work during vacation. Messenger service for young persons under 18 is forbidden between 10 p. m. and 5 a. m. A Pennsylvania statute (p. 832) eliminates tanneries from the list of establishments in which children under 18 were forbidden employment by act No. 182, Acts of 1909. A statute of

South Carolina (act No. 18) fixes the minimum age of employment at 12 years, forbids work between 8 p. m. and 6 a. m. for children under 16, requires certificates for children under 14 years of age based on the affidavit of the parent or guardian, and repeals section 3 of act No. 74, Acts of 1903, which allowed children of dependent parents to work under the established minimum age. The statute of Tennessee on this subject (ch. 57) fixes the minimum age at 14 years for employment in any mill, factory, workshop, laundry, telegraph or telephone office, or in the distribution of merchandise or messages. They may not be employed in any business so as to interfere with school attendance during the term of school except in domestic or agricultural employments. An affidavit of the age of children under 16 must be on file with the employer, and employment in the standard list of occupations is forbidden under that age. The Texas statute (ch. 46) fixes 15 years as the minimum age for employment where dangerous machinery is used, or about machinery in any mill or factory, or in any distillery or brewery. Children under this age may not be employed where their health would be impaired or their morals debased, nor may they be sent as messengers to a house of immoral resort. The minimum age for employment in mines and quarries is fixed at 17 years. The law of Utah (ch. 144) on this subject forbids the employment of children under 14 years of age in any dangerous or harmful employment, and permits employment certificates to be issued only to children able to read and write the English language. The maximum hours of labor for children under 16 years of age is 54 per week, except in fruit or vegetable packing. Boys under 12 and girls under 16 may not engage in street trades, and permits must be obtained for such employments by children under 16 years of age, who are not permitted to work after 9 p. m. Messengers under 21 years of age may not work between 9 p. m. and 5 a. m., nor may they be sent at any time to an objectionable place. The age of children who may be employed in Vermont in any railroad office, mill, factory, or workshop, employing over 10 persons is fixed at 14 years (act No. 70, Acts of 1910), instead of 12 years as in the former law. Children under 12 years of age may not be employed in any such establishment regardless of the number of employees, nor in delivering messages, nor in any store, office, restaurant, or hotel. Children under 16 may not be employed in the list of occupations included in the standard list, nor girls under 18 where they are required to stand constantly. Seats are to be supplied and their use permitted during such times as the girls are not necessarily engaged in their active duties. The minimum age fixed for employment in or about factories, mills, workshops, or manufacturing establishments in West Virginia is 14 years (ch. 60). Employment in any business during school hours under this age is forbidden without a

permit from the State commissioner of labor or the county superintendent of schools. Children under 16 are required to have an age and schooling certificate. Numerous details of the Wisconsin statute, sections 1728 to 1728i, are amended by a law of the present year (ch. 479) which fixes the age of employment of children in musical and theatrical establishments and of pin boys in bowling alleys at 16 years, and of boys in mines at 18 years instead of 14 years, as formerly, in each instance. Instead of providing merely that children shall not be employed, the law is amended by inserting after this word in the statute the words "required, suffered, or permitted to work." Other dangerous occupations are added to those formerly prohibited, including employment where children are exposed to poisonous vapors or dust. Children under 14 may not be employed in any gainful occupation except as prescribed by the act, and employment under 16 in any place where intoxicating liquors are made, bottled, sold, or given away is forbidden. The 8-hour day is prescribed for children under 16 years of age, employment being restricted to 6 days per week. Thirty minutes must be allowed for lunch. A list of dangerous or responsible positions is given for which a minimum age of 18 years is prescribed. Messenger service in cities of the first, second, and third classes between 8 p. m. and 6 a. m. is prohibited for persons under 21 years of age. A new section of the law prescribes the contents of the permits, the evidence of age, and the certificate of literacy, which must show 7 years of school attendance. Intending employers of minors are required to notify the commissioner of labor of the fact, and to file statements of the actual employment of such persons and keep permits on file in the establishment. If minors under 18 years of age are to be employed, notice thereof must be given and a special inspection made as to conditions of safety and sanitation.

Employment in mercantile establishments is regulated by laws of New Jersey (ch. 136) and New York (ch. 866). By the former law employment under 14 years of age is not permitted during school hours, nor under 16 years of age for more than 58 hours per week. Employment between 7 p. m. and 7 a. m. is forbidden except that in one night each week employment may be extended to 9 p. m., and from December 15 to December 25 in each year, to 10 p. m. A register of children employed under 16 must be kept. Conditions of safety and sanitation are to be maintained in mercantile establishments where children are employed, and a copy of the law posted therein. The commissioner of labor is charged with the enforcement of this law. The New York law forbids the employment of children under 16 for more than 6 days or 54 hours per week or 9 hours per day, or from 7 p. m. to 8 a. m. No child under 14 years of age may be employed, and certificates are required for all under

16. This law applies not only to mercantile establishments but to business offices, places of amusement, barber shops, hotels, messenger service, etc. Females between 16 and 21 years of age may not be employed in stores for more than 60 hours per week, or 10 hours per day unless to shorten one day in each week. Employment between 10 p. m. and 7 a. m. is forbidden except from December 18 to 24, inclusive; 45 minutes are to be allowed for a noon-day lunch, and if any work is done after 7 p. m., at least 20 minutes for an evening lunch.

Two acts of the Pennsylvania legislature relate to the employment of children at mines, one (p. 537) reducing the time for the midday meal from 45 minutes, as fixed by act No. 210, Acts of 1909, to 30 minutes; the second (p. 983) amending the same law so as to prohibit the employment of any child under 14 in or about any breaker, washery, or in or about any outside work. No child under 16 years of age is to be employed inside any mine or outside the same without a certificate, which is to be entered on a registry kept open for inspection.

Employment in street trades is considered in a statute of Nevada (ch. 197), known as the juvenile court law. This statute defines as a dependent or neglected child any child who, being under the age of 10 years, begs or peddles or sells articles, or sings or plays for gain in a public place; and in a law of Wisconsin (ch. 439) which raises the age for selling newspapers and magazines from 10 to 12 for boys and from 16 to 18 for girls. For boys in other street trades the minimum is raised from 12 to 14 years, and the minimum age for girls for employment in any street trade is fixed at 18 years. Permits are required for boys under 16 years of age instead of 14 as formerly, and only a baptismal or birth certificate or school record may be admitted as proof of age. Paper carrier boys on salary may have a card issued by a factory inspector instead of a regular permit. Other changes regulate employment at night, raise the age for employment at street trades during school hours to 16 years, and direct the enforcement of the law by the commissioner of labor and the factory inspectors instead of by the police and truant officers. An added ground is given for suspending the permit of any child by providing that this shall be done where the owner fails to comply with the school-attendance regulations.

Three statutes were enacted relating to messenger service exclusively, in addition to the mention of this subject in various more general laws, as noted above. An act of Georgia (p. 117, Acts of 1910) forbids children under 16 years of age to deliver messages between 9 p. m. and 6 a. m.; one of Massachusetts (ch. 629) forbids delivery of goods or messages except newspapers by persons under 21 years of age between 10 p. m. and 5 a. m.; and one of New Jersey

(ch. 363) forbids young people under 21 in cities of the first class and under 18 years of age elsewhere to be employed between 10 p. m. and 5 a. m. in distributing goods or messages. Minors under 18 years of age engaged in any business are forbidden to work between 10 p. m. and 5 a. m. by a California statute (ch. 688).

An Oregon statute (ch. 74) fixes the age of employment for boys as logging engineers at a minimum of 18 years, and no one under 16 years of age may be employed to give signals to such engineer.

The matter of educational qualifications and the school attendance of employed children was considered in several statutes. By an Alabama statute (p. 247) it is directed that public school buildings shall be so located as to accommodate the children employed in any manufacturing plant, and that the school funds shall be so apportioned as to give such children an equal term with other children of the district. School attendance is prescribed in Arkansas (act No. 231) for children between the ages of 8 and 16 years during one-half the school term, and to 20 years if not actively, regularly, and lawfully employed. Exceptions are permitted if the labor of any child is necessary to the support of the family, or if he has completed seven grades of school work. Forty-one of the 76 counties of the State are exempt from the application of the law. In California (ch. 482) attendance to 15 years of age is compulsory during the full term of the school unless the child has a permit to work after the age of 12 years. In Hawaii (act No. 150) attendance is compulsory to the age of 17 years unless a child is 13 years of age and has passed an examination covering the primary and grammar grades, or is 15 years of age and is suitably employed under the direction of a parent or guardian. The Massachusetts statute regulating the employment of illiterates is amended (ch. 241) so as to require their attendance at night school if they are below 21 years of age. In Michigan (act No. 198) it is provided that where children are unable to attend school on account of poverty, their labor being necessary to support themselves or their parents, the board of education may grant such relief as will enable such child to attend for the entire school year. A Nevada statute (ch. 133) requires school attendance of all children between 8 and 16 years of age unless their labor is necessary to their own or their parents' support. A statute of Pennsylvania (p. 309) exempts from compulsory attendance children between 14 and 16 years of age who can read and write, and who are regularly, usefully, and lawfully employed; no child between 8 and 14 is to be employed during school hours during the term of compulsory attendance, nor under 16 without an employment certificate. In Vermont (Acts of 1910, No. 69) children under 16 years of age, who have not completed the ninth year of school, are not to be employed in railroad offices, mining, manufacturing, hotels, etc., during school

hours, without a permit. This law also forbids employment after 8 p. m. A law of Wisconsin (ch. 522) directs that in cities where there is an evening school, children over 14 may not be employed unless they have a certificate that they are able to read and write or are in attendance at such evening school; while a second law (ch. 660) provides that if children under 16 are employed under permit where there is an evening school, a continuation class, or an industrial or commercial school, they must attend such school for not less than five hours per week for six months, the time to be counted off from their work time.

A statute of Minnesota of the year 1909 (ch. 499) directed certain sanitary requirements for mercantile establishments. These requirements are extended to manufacturing and mechanical establishments where women and children are employed by an act of the present year (ch. 184). An act of the Alabama Legislature of 1909 (p. 158) is amended (p. 546) by adding to the list of offenses named in the former law the failure or refusal of employers to furnish the inspectors with the information required for their reports and records. Authority to inspect is given to the chief clerk or a deputy of the State prison inspector in addition to the power vested in him personally. The matter of inspection is considered also in an act of the Montana Legislature (ch. 127) which provides for six deputies in the bureau of child and animal protection, instead of two as formerly, one to be located at each of the six principal cities of the State, and to have full power to enforce laws or make investigations.

Hours of labor are specifically regulated by several laws, one of North Carolina (ch. 85) relating only to the employment of children under 18, fixing the hours at 60 per week after January 1, 1912, instead of 66 as formerly. The California law applicable to women (ch. 258) fixes the hours of labor at eight per day and 48 per week, except in the harvesting, canning, etc., of perishable fruits or vegetables. This law also directs that seats shall be furnished and their use permitted when the employees are not engaged in active duty. The Connecticut statute on this subject (ch. 278) simply inserts a provision in the existing law requiring that a schedule of hours of labor of women and children be posted showing the employment of each person and making longer employment a violation of the law.

The Illinois act of 1909 is extended (p. 328) so as to apply also to mercantile establishments, hotels, restaurants, telegraph and telephone offices, any place of amusement, express and transportation companies, and any public institution incorporated or unincorporated. A section is added to the law requiring a time book or record to be kept showing the schedule of employment for each female, which book shall be open to inspection. The former law of Maine

is amended (ch. 55) by excepting from its restrictions establishments or businesses in which the materials or products are perishable and require immediate attention to prevent damage or decay. Massachusetts brings garment workers connected with mercantile establishments under the general mercantile law, making 56 hours the maximum week's labor (ch. 313). Children under 18 and women employed in factories have their hours of labor reduced in this State (ch. 484) to 54 hours per week as a maximum instead of 56 hours as formerly. Several changes are made in the Michigan statute of 1909 (act No. 285) by an act (No. 220) requiring the section of the law relating to hours of labor to be posted in all establishments where it applies, striking out the exception permitting children under 16 years of age to do night work as messengers, restricting the employment of children under 18 between 10 p. m. and 5 a. m. to the delivery of messages or merchandise, and making more stringent regulations as to certification and registration. The law of Missouri limiting the hours of labor of females to 9 per day or 54 per week is made of general application (p. 311), instead of restricting it to cities of more than 5,000 population. The prohibition of night work is eliminated, as is the provision as to the posting of the law and making the presence of a female evidence of employment. An amendment of the Ohio law (p. 488) directs the supply of seats for female employees and permission for their use. Women may not be employed more than 10 hours per day or 54 hours per week, with 30 minutes for meal time if a lunch room is provided, and if not, an interval of one hour. This statute directs a supply of toilet and dressing rooms and of water-closets on the same or the next floor to the place of employment. The South Carolina statute (act No. 83) relates to the employment of females in stores, fixing the maximum at 60 hours per week or 12 per day, no employment being permitted after 10 p. m. In Utah (ch. 133) women may not be employed for more than 9 hours per day or 54 hours per week in manufacturing, mechanical, and mercantile establishments, laundries, hotels, telephone or telegraph offices, etc. In Washington (ch. 37) the 8-hour day for females is prescribed except in canneries and the harvesting, etc., of perishable fruits and vegetables. The law provides that if this exception is unconstitutional it shall not affect the act as a whole. It also directs that seats be furnished and their use permitted while the women are not engaged in their active duties. A law of Wisconsin (ch. 548) fixes the hours of labor at 10 per day or 55 per week in manufacturing, mechanical, and mercantile establishments, in laundries, restaurants, and telegraph and telephone offices, or in employment by express or transportation companies. If any part of the employment is between 8 p. m. and 6 a. m. it is considered as night work

and only 8 hours per day and 48 hours per week are permitted. One hour is to be allowed for dinner, and a schedule of the time of employment of each person is to be posted in the establishment.

Besides the requirements of seats for female employees contained in the foregoing statutes, a separate law of Maine (ch. 26) requires the supply of seats for female employees in stores, with permission for their use when not actively employed; while in South Carolina (act No. 93) the commissioner of agriculture, commerce, and industry is given power to enforce the existing law, to which end he may employ a female inspector, and the sum of \$300 is appropriated therefor.

Employment in saloons of females other than the wife or daughter of the proprietor, except in a hotel of good reputation after a written authorization by the county commissioner, is forbidden by a statute of Connecticut (ch. 101); while the law of Utah (ch. 106) prohibits the employment of any female in a saloon, brewery, or bottling establishment, or (ch. 144), if under 21 years of age, in any restaurant or resort where liquor is sold.

The statute referred to in the opening of this section relative to the employment of women before and after childbirth is an act of the Massachusetts Legislature (ch. 229), and requires a total of 6 weeks' rest for employed women, 2 weeks before and 4 weeks after the birth of a child.

The earnings of married women are declared to be their own the same as if single by an act of the Michigan Legislature (ch. 196); while in Tennessee (ch. 20) they are to be hers if she is dependent on her own earnings, and the payment of them to any other person is void.

#### **EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.**

As stated in the introductory remarks, the most striking feature of labor legislation of the year 1911 is that substituting a form of compensation or insurance for the victims of industrial accidents, granting without suit at law definite sums to injured workmen or their dependents, without reference to the negligence of the employer. Ten States passed laws of this nature during the year, those of California (ch. 399), Illinois (p. 314), Kansas (ch. 218), Nevada (ch. 183), New Hampshire (ch. 163), New Jersey (ch. 95), and Wisconsin (ch. 50), being in form compensation laws; while in Massachusetts (ch. 751), Ohio (p. 524), and Washington (ch. 74), insurance laws were enacted. Of the laws providing for compensation, all but Nevada make the adoption of such provision optional with the employer, the legislature of that State having made the acceptance of the compensation system compulsory upon employers to whom the act applies. In every case, except in Ohio, the total cost of the compensation or insurance rests upon the employer, 10 per cent of the cost of

the insurance being chargeable to the employee in the State named. In the States providing for the insurance system, the acceptance of such system is optional with the employer in Massachusetts and Ohio, and obligatory in Washington as regards the enumerated list of "extra hazardous" employments and optional as to others. Of the elective compensation systems, those of California and Wisconsin are compulsory as to employees of the State and its subdivisions or municipalities.

Where employers do not elect the systems of compensation or insurance provided for, so that their workmen must bring an action in order to recover damages, the customary defenses of employers in such actions are modified or abrogated entirely; this abrogation, however, does not affect employers sued by their employees after election by the former to accept the provisions of the new system, nor employers who are not within the scope of the law either by reason of not being engaged in hazardous businesses, or, as is provided in some cases, because the number of workmen employed does not exceed a specified minimum.

The principal features of these laws are set forth in a chart facing page 906, which shows in comparable form the nature and scope of the laws, the regulations as to suits and defenses, and the amount of compensation paid. Under this latter head are shown only the limits of payments where persons entirely dependent survive, or where there are no dependents. Provision is made for partial dependents on a scale proportional to the amount of support that they were receiving from the deceased workman during his lifetime. Cases of total disability are variously provided for, some laws making distinctions where the injured person is so helpless as to require constant attendance, while others make special distinctions in cases involving maiming. Partial disability is provided for, either on the basis of the degree of disability occasioned by the injury, or on the basis of the nature of the injury, as of the loss of an eye, limb, etc., or by a combination of the two systems. The treatment accorded nonresidents and aliens differs in some of the laws, while in some no mention is made of this subject. It may be pointed out that in general the rights of nonresidents and of citizens are the same under other State laws. (See last paragraph under next heading, "Actions for personal injuries or death.")

Besides enacting the elective compensation law the California Legislature adopted a concurrent resolution (ch. 66) providing for an amendment to the constitution which would authorize the legislature to enact a compulsory compensation law. The Legislature of Vermont (p. 540) also took the necessary steps for the submission of such an amendment to the people of that State.

A joint resolution (No. 6) of the New Jersey Legislature entrusted to the commissioner of labor the carrying out of the compensation law of that State, and directed him to prepare a synopsis of the act, 10,000 copies of which are to be printed for posting in all buildings

where manufacturing is carried on. The same legislature (ch. 368) declared the continuance of all contracts of employment in existence at the time that the act takes effect, unless one party thereto gives notice to the contrary in writing. By the original act the administration of the compensation law of Wisconsin was committed to a State industrial accident board created by the act. By subsequent legislation (ch. 485) the administration of this act was committed to an industrial commission which combines the functions of the accident board and the commissioner of labor.

Of the States providing for insurance systems, but one, Washington, enacts a schedule of premium rates, the duty of fixing such rates in the other States being entrusted to the board charged with the administration of the act. The Massachusetts statute permits insurance either in the State insurance association provided for by the statute or in any insurance company authorized to do business in the State. It may be noted in this connection that in but one of the States providing for compensation systems is there any provision for guaranteeing the payment of benefits to injured workmen without reference to the solvency of the employer, the New Hampshire law requiring employers electing to accept this provision to furnish the commissioner of labor with proofs of their financial ability or to make a bond to secure payments under the law.

The Federal statute of May 30, 1908, providing for compensation for injuries to certain employees of the United States was amended by an act of the recent Congress (ch. 285), in so far as the law relates to employees of the Isthmian Canal Commission. By this amendment the law was made applicable to all the employees under the commission when injured in the course of their employment, without reference to hazard, permits death claims to be filed within 1 year instead of 90 days, as in the general law, and commits the administration of the law to the Isthmian Canal Commission in so far as it relates to its employees.

The question of the constitutionality of the State laws has been passed upon by the courts of last resort in Ohio, Washington, and Wisconsin, their constitutionality having been upheld. (For the last two see Bulletin No. 96, pp. 799 to 839.) The compulsory compensation law of New York and the compulsory cooperative insurance law of Montana, relating to coal mines only, were, on the other hand, declared unconstitutional by the supreme courts of those States, though in the latter the principle of cooperative insurance was sustained by the court, the law being declared unconstitutional only on account of the inclusion of a provision which might have been omitted without affecting the general purpose of the law. (For the decision on the New York law see Bulletin No. 92, pp. 251 to 273, and for that of Montana, Bulletin No. 96, pp. 786 to 799.) An appeal has been taken to the Supreme Court of the United States on the question of the constitutionality of the insurance law of Washington.

PRINCIPAL FEATURES OF LAWS ENACTED IN 1911 RELATIVE TO WORKMEN'S COMPENSATION AND INSURANCE.

States, etc.	System provided for.	Industries covered.	How election is made.		Defenses abrogated if employer does not elect.	Suits for damages are—	Special contracts.	Burden of cost is on—	To be compensated disability must continue—	Compensation for—				Time for notice and claim.	Disputes settled by—	Nonresident alien beneficiaries of deceased workmen.
			By employer.	By employee.						Death.	Total disability.	Partial disability.	Medical and surgical aid.			
California. Ch. 399. Approved Apr. 8, 1911. In effect Sept. 1, 1911.	Compensation, elective (compulsory as to State and municipalities).	All (casual employees excepted).	Writing filed with industrial accident board.	Presumed in absence of written notice if employer elects.	None (assumed risks and fellow-service abrogated, and comparative negligence enacted by general liability law).	Permitted in lieu of compensation if employer was personally grossly negligent or violated a safety law.	Employer may insure or maintain a benefit fund, but may not reduce liability fixed by law.	Employer.....	More than 1 week.	3 years' earnings; \$1,000 minimum, \$5,000 maximum; no dependents, \$100.	65 per cent of weekly wages for not more than 15 years, total not to exceed 3 years' earnings; if nurse is required, 100 per cent; minimum wages per annum, \$333.33; maximum, \$1,666.66.	65 per cent of wage decrease; wages considered and total payments same as for total disability.	During first 90 days; not to exceed \$100.	Notice in 30 days; claim in 1 year.	Industrial accident board; limited appeal to courts.	Included.
Illinois. P. 314. Approved June 10, 1911. In effect May 1, 1912.	Compensation, elective.	"Especially dangerous" (casual employees and those not exposed to hazards of employments excepted).	Presumed in absence of written notice; must post notice to bind employees.	.....do.....	Assumed risks, fellow-service; contributory negligence to be measured.	Permitted in lieu of compensation where employer intentionally fails to comply with a statute.	.....do.....	.....do.....	More than 6 working days; then compensation from eighth day.	4 years' earnings; \$1,500 minimum, \$3,500 maximum; no dependents, \$150.	50 per cent of weekly earnings for 8 years, \$5 minimum, \$12 maximum, up to \$3,500. <sup>1</sup>	50 per cent of wage decrease; \$12 maximum, for not more than 8 years.	During first 8 weeks, not over \$200; physician or surgeon during disability unless employee prefers his own.	Notice as soon as practicable; claim in 6 months.	Arbitrators for each case; appeal to courts.	
Kansas. Ch. 218. Approved May 14, 1911. In effect Jan. 1, 1912.	.....do.....	"Especially dangerous" (enumerated list) where 15 or more workmen are employed. <sup>2</sup>	Writing filed with secretary of state.	.....do.....	Assumed risks, fellow-service; contributory negligence to be measured. <sup>3</sup>	Permitted in lieu of compensation if employer was personally negligent.	Approved schemes may be substituted.	.....do.....	More than 2 weeks.	3 years' earnings; \$1,200 minimum, \$3,600 maximum; no dependents, \$100.	50 per cent of weekly earnings; \$6 minimum, \$15 maximum, for not more than 10 years.	25 to 50 per cent of weekly earnings; \$3 minimum, \$12 maximum, for not more than 10 years.	Only if employee dies leaving no dependents.	Notice in 10 days; claims in 6 months.	Local committees or arbitrators; court review allowed.	\$750 maximum except to residents of Canada.
New Hampshire. Ch. 163. Approved Apr. 15, 1911. In effect Jan. 1, 1912.	.....do.....	"Dangerous" (enumerated list).	Writing filed with commissioner of labor, with proof of financial ability or bond.	By accepting compensation or beginning proceedings under the act.	None (assumed risks, fellow-service and contributory negligence restricted by liability provisions of statute).	Permitted in lieu of compensation.	.....do.....	.....do.....	.....do.....	150 times weekly earnings, not more than \$3,000; no dependents, \$100.	50 per cent of average weekly earnings; maximum, \$10 for not more than 300 weeks.	50 per cent of wage loss; maximum, \$10 per week, not more than 300 weeks.	.....do.....	Notice as soon as practicable, and before leaving service; claims in 6 months.	Proceedings in equity.	Beneficiaries must be residents of State.
New Jersey. Ch. 95. Approved Apr. 4, 1911. In effect July 4, 1911.	.....do.....	All.....	Presumed in absence of written notice.	Presumed in absence of written notice if employer elects.	Assumed risks, fellow-service; contributory negligence unless willful.	Not permitted after electing to receive compensation.	.....do.....	.....do.....	.....do.....	25 to 60 per cent of wages for 300 weeks; \$5 minimum, \$10 maximum, no dependents, \$200.	50 per cent of wages for 400 weeks; \$5 minimum, \$10 maximum.	Proportionate, fixed scale (sec. 11, 6).	During first 2 weeks; not over \$100.	Notice in 30 days; in 90 days if employee can justify delay and employer was not prejudiced thereby.	Judges of courts of common pleas.	Excluded.
Wisconsin. Ch. 50. Approved May 3, 1911. In effect Sept. 1, 1911.	Compensation, elective (compulsory as to the State and its municipalities).	All (casual employees excepted).	Writing filed with Industrial Commission.	.....do.....	Assumed risks, fellow-service (if 4 or more employees).	.....do.....	No reduction of liability allowed.	.....do.....	More than 1 week (payment for first week if disability lasts more than 4 weeks).	4 years' earnings; \$1,500 minimum, \$3,000 maximum; no dependents, \$100.	65 per cent of wages, if nurse is required, 100 per cent after 90 days; no total to exceed 4 years' earnings.	65 per cent of wage decrease; no total to exceed 4 years' earnings.	For not more than 90 days.	Notice in 30 days, claim in 2 years.	Industrial Commission; appeal to courts.	Included.
Nevada. Ch. 183. Approved Mar. 24, 1911. In effect July 1, 1911.	Compensation, compulsory.	"Especially dangerous" (enumerated list; workmen engaged in manual or mechanical labor).	.....do.....	.....do.....	.....do.....	Permitted in lieu of compensation.	Forbidden.....	.....do.....	More than 10 days.	3 years' earnings; \$2,000 minimum, \$3,000 maximum; no dependents, \$300. <sup>4</sup>	60 per cent of weekly earnings; specified increases for specified maimings, total not to exceed \$3,000. <sup>4</sup>	Such proportion of 60 per cent of earnings as loss of capacity bears to total loss; maimings as in case of total disability. <sup>4</sup>	Only if employee dies leaving no dependents.	Notice as soon as practicable; claim in 6 months.	Arbitrators for each case; if decision is not unanimous, appeal to courts.	
Massachusetts. Ch. 751. Approved July 28, 1911. In effect July 1, 1912.	Insurance, elective (State or in authorized company).	All (casual employees excepted).	By subscribing to State association, or insuring.	Presumed in absence of written notice if employer insures.	Assumed risks, fellow-service, contributory negligence, except in domestic and farm laborers. <sup>5</sup>	Not permitted after election of insurance system.	Employer may insure in any authorized liability company.	.....do.....	More than 2 weeks.	50 per cent of weekly wages for 300 weeks, \$4 minimum, \$10 maximum; no dependents, \$200.	50 per cent of weekly wages for not over 500 weeks, \$4 minimum, \$10 maximum, total not to exceed \$3,000.	50 per cent of weekly wage loss, \$10 maximum, for not more than 300 weeks; fixed rates for specified injuries.	During first 2 weeks.....	.....do.....	Arbitrators for each case; industrial accident board; appeal to courts on points of law.	
Ohio. P. 524. Approved June 15, 1911. In effect Jan. 1, 1912.	State insurance, cooperative, elective.	All employing 5 or more workmen.	By payment of premium.	Presumed after employer has posted notice of payment.	Assumed risks, fellow-service, contributory negligence (if 5 or more employees).	Permitted in lieu of compensation if injury was caused by willful act of employer, or his officers or agents, or failure to comply with safety law.	.....do.....	Employer, 90 per cent; employee, 10 per cent.	More than 1 week.	\$150 funeral expenses; 66 2/3 per cent of wages for 6 years; \$1,500 minimum, \$3,400 maximum.	66 2/3 per cent of wages until death, if permanently disabled; \$5 minimum, \$12 maximum.	66 2/3 per cent of wage decrease for 6 years; \$5 per week minimum, \$12 maximum; not over \$3,400 in all.	Not to exceed \$200.....	To be fixed by board..	State Liability Board of Awards; limited appeal to courts.	
Washington. Ch. 74. Approved Mar. 14, 1911. In effect Oct. 1, 1911.	State insurance, compulsory.	"Extra hazardous" (enumerated list); elective as to all others.	.....do.....	.....do.....	.....do.....	Permitted in addition to insurance benefits if injury resulted from deliberate intention of employer.	Forbidden.....	Employer.....	"Loss of earning power shall exceed 5 per cent." <sup>6</sup>	\$75 funeral expenses; spouse receives \$20 monthly; each child up to 3, \$5 per month; maximum, \$4,000. <sup>6</sup>	\$20 per month if single, \$25 if married; for each child under 16 years, \$5 per month, not over \$35 in all. <sup>7</sup>	Proportionate; not over \$1,500. <sup>7</sup>	50 per cent of benefits added for first 6 months of total temporary disability; not more than 60 per cent of wages in all.	Claim in 1 year.....	Industrial Insurance Department; appeal to courts.	Only father and mother to be considered.

<sup>1</sup> If complete disability still continues, "then a compensation during life, equal to 8 per cent of the death benefit," not less than \$10 per month.  
<sup>2</sup> Employers having fewer employees may elect, but lose no defenses if they do not.  
<sup>3</sup> These defenses are not abrogated where an employee sues an employer who has elected to use the compensation system.  
<sup>4</sup> Contributory negligence to be measured; compensation may be reduced proportionately.

<sup>5</sup> Construed by department to exclude cases in which less than 5 per cent of a working month was lost.  
<sup>6</sup> If a widow remarries she receives a lump sum of \$24). If there are children and no widow they receive \$10 per month each, but not more than \$35 in all, until 16 years of age; if injury was caused by removal of safeguard by injured employee, or by a fellow-workman with his consent, 10 per cent is deducted.  
<sup>7</sup> If injury was caused by removal of safeguard by injured employee, or by a fellow-workman with his consent, 10 per cent is deducted.

The prominence given to the idea of compensation as a substitute for the determination of liability did not prevent the enactment of a considerable body of legislation providing for suits at law based on the principle of the employer's liability for negligence. A number of these are simply amendments to existing laws, while others embody provisions showing wide departure from the previous practice in the jurisdictions affected. In Alabama two acts (pp. 483, 485) were passed restricting the bringing of suits under the liability law of that State, whether for death or for injuries to workmen, by requiring such suits to be brought in the courts of the State. A statute of Arkansas (act No. 88) relating to the liability of railroad companies for injuries or death of their employees makes the employer liable for the negligence of fellow servants, for defects in rules and regulations, for failure to provide an adequate number of employees, lack of clearance between the track and adjacent objects, and other defects in the equipment, ways, etc. The employer's knowledge of the defect is presumed, and the fact of such defect is declared to be prima facie evidence of the same. The doctrine of comparative negligence is enacted, and contributory negligence can not be pleaded if a safety statute was violated, nor can an employee be charged with the assumption of risk in such case. Contracts of waiver are not permitted, but payments of benefits or contributions to relief funds may be offered as offsets. A Colorado statute (ch. 113) declares the liability of employers for injuries to employees, abrogating absolutely the defense of fellow service, repealing previous legislation (secs. 1511*a* to 1511*g*, Mills' Annotated Statutes, Supplement of 1904) to the same effect. The amount of damages allowed in case of death may not exceed \$5,000, and action must be brought within two years from the time of the accident causing the injury, or from the time of the death, if death ensues. A law of general application affecting employers having five or more employees was passed by the Indiana Legislature (ch. 88), also taking away the defense of fellow service, and requiring the defendant to bear the burden of proof if he charges contributory negligence. Neither this defense nor that of assumed risks may be offered if the employer violated any statute, ordinance, or rule or direction of a public officer, nor if the person was injured in consequence of obedience to direct orders of a superior. The damages allowed may not exceed \$10,000, and contracts of waiver are forbidden. Another act of the same legislature (ch. 236) prescribes safety devices in building operations and inspections by employers engaged in construction and excavation work, in operating machinery, and in manufacturing or transmitting electricity. Safety appliances are to be installed "without regard to additional cost," "the first concern being safety to life, limb, and health." Employers engaging in business or work of the character indicated are declared to be conducting a dangerous occupation and must com-

ply with the provisions of this act. Besides its compensation act, the Legislature of Kansas passed a law (ch. 239) making railroad companies liable to injured workmen for the acts of fellow servants or for defects in ways or equipment. The doctrine of comparative negligence is enacted, and risks caused by the employer's violation of any statute are not to be considered as assumed by the workman. Contracts of waiver are forbidden, but set-offs of benefits or other payments by the employer may be allowed. The Missouri statute on this subject, section 5425, Revised Statutes, is amended by an act (p. 203) which charges any officer, agent, or employee by whose negligence, unskillfulness, or criminal intent a workman was injured with liability in an action for damages, either alone or jointly with the employer, at the option of the suitor. A Montana statute (ch. 29) relating to the liability of railroad companies for injuries to their employees is applicable to employees of all classes, and declares the liability of the company for the acts of fellow servants of the injured workman or for injuries caused by defective appliances. The negligence of the employer or of a fellow servant is not an assumed risk, and no contributory negligence can be charged if the violation of a safety statute contributed to the injury; the doctrine of comparative negligence is embodied in the law. The people of Oregon by referendum adopted a law (ch. 3) covering construction work, the erection and operation of machinery, the manufacture, transportation, and use of electricity, and the manufacture of any dangerous appliances or substances. The law enacts provisions for the protection of employees on buildings and in factories, etc. The defense of fellow service is not abrogated, but is closely restricted, and the rule of comparative negligence is prescribed. The liability law of South Dakota (ch. 206) relating to railroads takes away the defense of fellow service, provides for injuries due to defects in ways, appliances, and equipment, enacts the doctrine of comparative negligence, takes away the defense of assumed risks where a statute is violated, and gives to survivors of deceased employees the same rights that they themselves would have had if living. The Vermont statute (Acts of 1910, No. 97) relates to all injuries resulting from defects in ways, works, or machinery, those due to the negligent acts of superintendents or persons so acting, or to the negligence of persons in charge of any signal, switch, locomotive, or train on a railroad. The rights of employees are declared to be the same as those of third persons, and employers are liable to the employees of contractors. The amount of damages for personal injuries may not exceed \$4,000 and the maximum for death is \$5,000. The defense of ordinary care or diligence is not allowed to employers under a statute of Wisconsin (ch. 396), which declares the duty to supply guards for dangerous machinery as directed by any statute to be

absolute, and that it is not sufficient compliance with the law to have exercised ordinary care with reference to the matter.

#### ACTIONS FOR PERSONAL INJURIES OR DEATH.

The laws considered under this head are of general application, but are of such importance as relating to employers and their workmen that they should be briefly noticed here. A Colorado statute on this subject (ch. 114) allows interest at the legal rate on any amount recovered as damages in a suit based on personal injuries, such interest to run from the date of the filing of the suit. The limit of damages for injuries causing death is fixed at \$10,000 by a statute of Connecticut (ch. 242). The time in which action may be brought is fixed at 1 year. The maximum amount of compensation for death is increased from \$5,000 to \$7,500 by a Minnesota statute (ch. 281); while in New York (ch. 122) any recovery on account of death is exempt from liability for debts of the deceased, and must go only as a benefit to the husband, wife, or next of kin. A Wisconsin statute (ch. 480) declares that in actions for injuries, where an attorney has appeared for the plaintiff, no settlement out of court shall be valid unless it is consented to by such attorney or has received the approval of the court in which the action was brought.

The courts of Pennsylvania and Wisconsin have stood practically alone in denying to the nonresident heirs or beneficiaries of aliens dying on account of injuries right to recovery therefor. Laws were enacted by the recent legislatures of these States (Pennsylvania, p. 678, and Wisconsin, ch. 226) granting to alien nonresident beneficiaries the same rights of recovery that accrue to citizens or residents of these States.

#### ACCIDENT INSURANCE.

The subject of accident insurance was taken up by a number of legislatures, and laws were passed in eight States containing provisions more or less directly affecting employment. The laws of Connecticut (ch. 44), Idaho (ch. 228), Michigan (act No. 68), North Carolina (ch. 209), North Dakota (ch. 158), Oregon (ch. 173), Washington (ch. 49), and Wisconsin (ch. 84), require accident insurance policies to contain, among other provisions, one to the effect that if an insured person changes his occupation to one more hazardous he does not thereby forfeit his right to insurance, but shall receive an amount equal to that which the sum paid by him in premiums would have purchased in the more hazardous employment. Rebates or other discriminations are forbidden in the statutes of Idaho and Michigan. The provisions of these statutes, except in North Dakota, are held not to apply to blanket policies of associations or employers covering members of the association or employees. An

Indiana statute (ch. 179) forbids rebates and directs that only stated premiums may be collected. However, employers of 50 or more employees may pay any part of the premium either in cash or by services as collectors of premiums.

#### REPORTING OF ACCIDENTS.

Laws of general application relating to the reporting of accidents were passed in Maine (ch. 102) requiring the reporting of accidents causing death, or disability for 6 days, occurring in any industrial establishment, the report to be made within 10 days from the occurrence of such accident; Oregon (ch. 102), according to which any employer of more than three persons must furnish a detailed report of accidents to the commissioner of labor; and Wisconsin (ch. 469), in which State employers of four or more persons and all casualty insurance companies must keep records of all accidents and furnish monthly reports of the same to the State industrial commission. The Legislature of Ohio (p. 53) amended its law on this subject so as to require every manufacturer to report all accidents within 3 days after their occurrence, giving his own name and address, the nature of his business, place of the accident, the age, sex, and occupation of the injured person, a statement as to whether or not the machinery was guarded, and if not, why, the cause and nature of the injury, etc. If death ensues within 6 months, additional information is required as to the rate of pay, the amount of wages lost since the accident, and the amount of compensation paid by the employer on account of the injury, and to whom paid. The Legislature of Nebraska (ch. 67) also provides for the reporting of accidents in factories. Some of the laws providing for compensation or insurance require the reporting of accidents. Thus by the law of Illinois (p. 314) all fatal accidents are to be reported immediately and non-fatal compensated accidents twice monthly. In Massachusetts (ch. 751), New Jersey (ch. 241), and Washington (ch. 74) all accidents are to be reported at once.

Accident-reporting laws restricted in their application to public-service corporations, in some cases to railroads only, were passed in California (ch. 20), Connecticut (ch. 128), Nevada (ch. 162), New Hampshire (ch. 164), New Jersey (ch. 195), Oregon (ch. 279), and Washington (ch. 117). These laws generally contemplate reporting to the State railroad or public-service commission, and authorize investigations; some give power to order changes. The Oregon statute relates only to fatal accidents, and makes it discretionary with the commission whether they shall investigate. Congress enacted a law (ch. 103) requiring reports in a limited class of cases. The law of Indiana on this subject was amended (ch. 76) by directing that report shall be made by telegraph or telephone as soon as possible after the accident, instead of directing that they shall be

made within five days thereafter, as formerly; while the Wisconsin law was amended (ch. 472) by requiring the reporting of all accidents causing injury to person and equipment or roadway, instead of fatal accidents only, as in the older law.

The subject of accidents in mines is considered in an act of the Illinois Legislature (p. 329), which authorizes the establishment of miners' and mechanics' institutes to promote the technical efficiency of all persons working in and about mines, to the end that accidents may be prevented and the resources of the State conserved. The administration of this act is committed to the trustees of the University of Illinois. The codification of mine laws in Alabama (p. 500), Illinois (p. 387), Iowa (ch. 106), and Pennsylvania (p. 756) retain or modify earlier provisions as to reporting accidents.

### OCCUPATIONAL DISEASES.

Eight States took up the subject of occupational diseases, chiefly by way of directing reports. In California (ch. 485), Connecticut (ch. 159), Illinois (p. 330), Michigan (act No. 119), New York (ch. 258), and Wisconsin (ch. 252) physicians are directed to report all cases of poisoning from lead, phosphorus, arsenic, mercury, or their compounds, and cases of anthrax and of compressed-air illness, except that cases of anthrax are not required to be reported by the Wisconsin law; while in Illinois the law relates to the use of "poisonous chemicals, minerals, or other substances." The laws of California, New York, and Wisconsin prescribe a fine of \$10 for failure to report, while in Michigan the commissioner of labor or any county prosecuting attorney may prosecute known failures. The Connecticut law provides for no penalty for failure, but authorizes the payment of a fee of 50 cents for each case reported, as does the law of California. The Legislature of Illinois enacted a law (p. 330) of considerable breadth on the subject of occupational diseases, directing that reasonable and approved devices be adopted for their prevention. Employers using forms of lead and paris green, brass, zinc, and poisonous chemicals are to furnish employees with working clothing without cost, and if the employment develops dusts, with respirators. Medical examinations of exposed employees are to be had monthly, washing and dressing rooms provided, no food is to be taken into workrooms where materials of the above nature are used, and special provisions are prescribed for ventilation, dust receptacles, etc. The State Board of Health of Ohio is authorized by a joint resolution of the legislature of that State (p. 749) to conduct an investigation of the effect on health of dust, dangerous chemicals, and gases, and of insufficient ventilation and light in factories and workrooms, reporting the results of such investigation to the next legislature with recommendations for legislative or other remedial measures. In Massachusetts (ch. 603) the State inspectors

of health or their subordinates are directed, when investigating the subject of the lighting of factories and workrooms, to make investigations concerning the eyes and vision in their relation to diseases of occupation, including injuries to the eyes; power to order changes is granted.

#### LABOR ORGANIZATIONS.

The Legislature of Massachusetts passed a law (ch. 431) legalizing the fining of members by labor organizations if such fines are reasonable in amount and for a legal purpose. The bribery of representatives of labor organizations is made a misdemeanor by a New Jersey statute (ch. 94), and witnesses summoned in connection with cases of this sort are not to be excused from testifying on grounds of self-incrimination. Contracts prohibiting or restraining employees from becoming members of any lawful organization or society are forbidden by an act of the Legislature of Colorado (ch. 5); while in Utah (ch. 74) it is declared unlawful for any person to exact money, tribute, or support from another or to induce him by threats or coercion to join any union.

Trade-marks of trade unions are the subject of a law of the State of Ohio (p. 420) amending previous legislation penalizing the unauthorized use of genuine union labels or the use of any counterfeit of the same. A California statute (ch. 181), more general in form, provides penalties for the use of any mark on goods or packages falsely stating the kind or character of labor employed in the production of the goods. A statute of Oregon (ch. 73) makes it unlawful for a person not a member of a labor organization to wear the badge of the organization or to seek aid as a member thereof.

The Oklahoma Legislature at its second extra session of 1910 passed a resolution (senate concurrent resolution No. 3) to the effect that union labor shall be employed in the construction of the buildings for the State capitol if such labor is available.

In this connection a statute of Nebraska (ch. 32) providing for the incorporation of cooperative associations may be mentioned. This law regulates the incorporation of associations with 25 or more members for the transaction of any lawful business on a cooperative basis. Corporate powers are conferred upon them without reference to the form of their charter or articles of association. This law does not apply to building and loan associations.

#### ARBITRATION OF LABOR DISPUTES.

The Laws of Alabama (p. 320) provide for a State board of mediation and arbitration consisting of 3 members appointed by the governor. Where a strike or lockout is seriously threatened the governor may notify the chairman of such fact, whereupon a member of the board is to seek mediation. The governor may request the chairman to call all members of the board and conduct an investiga-

tion, though 2 members form a quorum for this purpose. On written request and a statement of the facts, together with a promise to retain the existing status until a decision is reached and to accept the award, arbitration proceedings may be had, the decision to be made within 10 days. The statute makes provision also for local boards of arbitration, one member to be appointed by the labor organization interested, one by the employer, and the third member by these two. The State board draws its pay from the State treasury, local arbitrators and witnesses in all cases being paid by the parties equally. When investigations are made in cases not requested by the parties, the expenses of the witnesses are paid by the State.

The subject of mediation is provided for in acts of the legislatures of Georgia (p. 133), New Hampshire (ch. 198), Oklahoma (ch. 128), and Wisconsin (ch. 485) creating or relating to the State bureau of labor or corresponding office; while in Michigan (act No. 254) the law providing for the arbitration of labor disputes is repealed and no substitute therefor enacted. The provisions of the Federal statute commonly known as the Erdman Act were amended (ch. 285) by authorizing the President to designate any member of the Interstate Commerce Commission or of the Court of Commerce to act with the Commissioner of Labor as mediator in disputes affecting common carriers by railroad, the original law having designated the chairman of the Interstate Commerce Commission as the person who should so act.

#### CIVIL RIGHTS OF EMPLOYEES.

Laws of Alabama (p. 421) and Wyoming (ch. 23) direct that employees be allowed, in the former State a reasonable time and in the latter, one hour, in which to vote at primary elections. In Wisconsin (ch. 515) the afternoon of all election days in cities of the first class are to be allowed as half holidays. (See also under "Holidays," p. 884.) In the first two States it is declared that the time allowed shall be granted without loss of wages, while in the latter State only works of necessity or charity may be done.

Freedom in the selection of places to board, lodge, or trade, or the place or manner in which they expend their wages, is prescribed for employees by an act of the Idaho Legislature (ch. 123). This act is not to interfere with the collection of hospital fees or dues.

#### EMPLOYMENT OFFICES.

Laws relating to free public employment offices were enacted in five States, in each case amendatory of existing statutes. The Indiana law was amended (ch. 274) by increasing the number of such offices from one in the State to one in each city of not less than 50,000 population. These offices are to get into communication with

employers of labor by advertising and otherwise. Weekly reports are to be made to the State bureau of statistics, as well as an annual report in December of each year. The superintendents of free public employment offices of Massachusetts are directed (ch. 158) to receive applications from aliens desiring positions as farm laborers and from farmers wishing immigrant labor, and to seek to effect the distribution of aliens to the farms of the State. An amendment of the Montana statute makes it the duty of the common council of cities of the first and second classes to provide for free public employment offices, and authorizes those of other cities to maintain such offices (ch. 15). The statutes of Michigan (No. 191) and Missouri (p. 310) relate simply to an increase in the number of offices to be maintained, the former law locating offices in the cities of Flint and Traverse City, while the latter directs the establishment of offices in all cities of 75,000 population or over.

The regulation of private agencies received attention from several legislatures, that of Hawaii enacting 2 laws designed to regulate the activities of emigrant agents; one of these (No. 48) requires such agents to procure a license from each county or city and county where he operates, paying an annual license fee of \$500, and giving bond in the amount of \$25,000. Every person procured by him as an emigrant under contract is to be registered and a bond given him in the amount of \$100 for the faithful performance of the contract or the promise of the agent. If the prospective emigrant is a minor the written consent of the parents must be secured, and no workman under contract for a specified time may be induced from his employment. The second act (No. 90) forbids the hire for deportation of any emigrant until 30 days after his arrival in the Territory without the consent and approval of the Territorial board of immigration. The Indiana statute is amended (ch. 273) by exempting from the provisions of chapter 94, Acts of 1909, agencies, bureaus, etc., organized to secure educational or professional employment for their members; exempted offices or agencies can charge no fees. The Legislature of Kansas passed an act (ch. 187) regulating the amount of the license fee for agencies, and requiring bonds and the keeping of a register. If the wages secured for an applicant are not over \$3 per day, no fee can be charged in excess of \$1; if the wages are above this sum, no more than \$2 may be charged. The full amount of any fee must be returned if employment is not secured for an applicant within 3 days. A similar law was enacted by the Legislature of Maine (ch. 87), allowing, however, six days for the securing of a place before the fee must be returned. Agents are forbidden to seek to induce any employee to leave his employment to get a position through their agency. The former law of Minnesota on this subject applied to employment offices for males only, while the new act (ch.

274) relates to offices for both sexes or for the sexes separately, with fees differing accordingly. Bona fide orders must be had by the agent, these to be entered on the records and be open to the inspection of applicants. The Pennsylvania law is amended (p. 881) by striking out the provision for forfeiture of the fee if an applicant fails to give notice in case he obtains employment through other channels than the agency; also the provision allowing \$2.50 to be kept by the agency if an honest but unsuccessful attempt was made to secure help or employment in agencies for men only for executive, civil engineering, clerical or sales positions, making the amount that may now be retained but 50 cents, as in other classes of agencies.

The law of Oregon regulating shipping masters and the conduct of sailors' boarding houses is amended (ch. 36) as regards the regulations providing that badges must be worn by proprietors of such institutions or their employees, and directing the revocation of license and the assessment of penalties for violations of the law. In this connection may be mentioned an enactment of the New York Legislature (ch. 845) requiring immigrant lodging houses to be licensed, the proprietors to give bonds and to pay a license fee which is graduated according to the size of the establishment. The rates of charges for lodging, etc., are to be posted in the English language and in the language understood by the majority of the patrons of the place.

#### BUREAUS OF LABOR.

The Legislature of Georgia enacted a law (p. 133) creating in that State a department of commerce and labor, at the head of which is a commissioner elected by the people for a term of two years. The commissioner is authorized to appoint two assistants, and is charged with the duty of investigating labor conditions, including the earnings, hours of labor, and general welfare of workmen. The enforcement of labor laws is committed to the department, especially laws relating to the employment of women and children. The mediation of labor disputes is also one of the duties assigned. Annual reports are provided for. In Hawaii a department of immigration, labor, and statistics was created (act No. 123) consisting of a board of five members serving for five-year terms, one member going off each year. These members are appointed by the governor and receive no compensation, but are allowed their actual expenses. The board may appoint a commissioner of immigration, labor, and statistics, who is to receive a salary in an amount fixed by the board. The department is charged with the investigation of the conditions, welfare, and industrial opportunities of all immigrants and settlers, is to place immigrants in employment, encourage immigration, inspect labor camps, investigate complaints, etc. It is directed to maintain a list of all immigrant children and

secure their attendance at school. Annual reports of their work and of the results of investigations are to be made. In Maine (ch. 65) and New Hampshire (ch. 198) legislation was enacted abolishing former bureaus or commissioners of labor and providing new offices charged with enlarged duties and functions. The title given to this office in Maine is "Department of labor and industry," at the head of which is a commissioner of labor and industry and State factory inspector, appointed for a term of three years. A deputy, a female inspector, and other assistants are provided for. Biennial reports are directed, information for which is to be obtained by the use of printed lists of inquiries transmitted to the persons from whom replies are desired. Officers of the department may enter factories to inspect or to collect data, and have authority to order the installation of safety appliances or such other changes as may be deemed necessary. In New Hampshire the title of the office is "Bureau of labor," at the head of which bureau is a commissioner appointed by the governor for a term of three years. Clerks and assistants are to be appointed by the commissioner, and the bureau is charged with the usual duty as to inspection of factories, etc., including mercantile establishments, for the purpose of enforcing laws regarding health and safety. The commissioner may mediate any labor disputes affecting 10 or more persons on the application of either the employer or a majority of the employees, rendering a written decision as to what, in his opinion, ought to be done. If mediation fails, it is the duty of the commissioner to undertake to secure arbitration by a local board; and if this fails, he shall seek to obtain sworn statements of the facts leading to the dispute and the reasons for the refusal to arbitrate. In Utah, also (ch. 113), a bureau of immigration, labor, and statistics was created to succeed the State bureau of statistics formerly existing under the control of the State auditor. A commissioner is at the head of this bureau, and among his duties are those of compiling and reporting annually data as to wages and hours of labor and the relations of labor to capital. It is his duty also to inspect factories, mines, etc., and to enforce protective laws enacted for the benefit of workmen and of women and children. The bureau of labor and industrial statistics of Wisconsin is abolished and an industrial commission created in its stead (ch. 485). This commission supersedes the bureau and the industrial accident board provided for by the compensation act of the State (ch. 50), taking charge of the administration of this act, of the free public employment offices of the State, and of the work of factory inspection. It is its duty also to mediate in cases of disputes between employers and workmen. The law contains provisions directing employers to safeguard the workmen in their employment, to furnish information to the commission, and to

comply with orders, substantial compliance therewith being declared sufficient. The board also has power to fix standards of safety and to classify persons, employments, and places of employment for the purposes of the act. By an Oklahoma statute (ch. 128) the commissioner of labor has his department divided into four bureaus: Statistics, arbitration and conciliation, free employment offices, and factory inspection. The appointment of an assistant who is to be his deputy, of a statistical clerk, a deputy factory inspector, and a stenographer are authorized. Penalties are provided for interfering with or obstructing by force or otherwise the commissioner of labor or his deputies or assistants in performing the work devolving upon them by law.

Changes of secondary importance were made in the laws of a few other States, an act of the California Legislature (ch. 21) making the term of the commissioner of labor to continue at the pleasure of the governor instead of for 4 years, while another act (ch. 634) directs the appointment of 2 deputies instead of 1; one to reside in San Francisco County and one in the city of Los Angeles. By an act of the Idaho Legislature (ch. 168) the commissioner of immigration, labor, and statistics has his salary increased to \$2,400 and is authorized to expend in the prosecution of the work of his bureau such amount as the legislature may grant, instead of being limited to an amount of \$600, as formerly. The law of New York is amended (ch. 729) by increasing the salary of the commissioner of labor to \$5,500 and that of one of the two deputies to \$4,000; also by authorizing the maintenance of a suboffice in any city of the State, instead of only in any city of the first class, as formerly. The appointment of 85 factory inspectors is authorized, not over 15 of whom shall be women. Five grades of inspectors are arranged for, with classified salaries and systems of promotion. The State is subdivided into districts, each of which is to be in charge of an inspector of the fourth grade. The commissioner of labor of this State is directed (ch. 565) to prepare annually an industrial directory setting forth the opportunities and advantages for manufacturing in the different localities of the State, a list of the factories existing, with the hours of labor, wages, housing conditions, and other facts of interest to manufacturers and employees. An inspector of safety appliances is added to the bureau of labor statistics of Texas (ch. 11), the act also doubling the incidental expense fund of the bureau, making the amount now available for this purpose \$3,000.

#### CONVICT LABOR.

Besides numerous minor changes in existing laws, more important legislation was enacted by the Legislature of Florida (house concurrent resolution No. 30) forbidding the leasing of convicts or the

renewal of any lease prior to July 1, 1913; and of Texas (fourth called session of the thirty-first legislature of 1910, ch. 10), providing that all work of convicts shall be done inside prison walls or on prison farms, and that no labor of convicts shall be sold to any contractor or lessee. A prison commission is provided for to have charge of the penitentiary, the labor of the convicts, etc. South Carolina (act No. 110) enacted a law directing that all able-bodied male convicts shall be sentenced to hard labor on the public works of the county in which convicted, if such county maintains a chain gang, without regard to the length of sentence, with an alternative of imprisonment in the county jail or the State penitentiary at hard labor. The prison commissioners of Massachusetts were directed (Resolves, ch. 143) to report on a system of employment of convicts, either by an extension of the State-use system or by other method, so as to employ convicts in useful and diversified industries, the use of their products to be such as to occasion the least injury to free labor. In Wyoming (ch. 61) a commission on prison labor is created and placed in charge of such labor, with directions that it shall be employed for the State or for its use or the use of any public institution. The teaching of trades to convicts is to be aimed at, and they may be paid not exceeding 10 per cent of their earnings.

**LAWS OF VARIOUS STATES RELATING TO LABOR ENACTED SINCE  
JANUARY 1, 1911.**

[The Twenty-second Annual Report of this Bureau contains the laws of the various States and Territories and of the United States relating to labor in force January 1, 1908. Enactments of the years 1908 and 1909 are reproduced in Bulletin No. 85, of 1910 in Bulletin No. 91, and of 1911 in the present Bulletin, forming in effect supplements to the Twenty-second Annual Report. (See the introduction to the Review of Labor Legislation, page 869 above.) Instead of reproducing the text of the law in full in cases where slight changes have been made, such changes have, in many instances, been indicated in brief notes, these notes being inclosed in brackets. An index of both the report named above and of the laws printed in the Bulletins indicated is to be found on pages 1433 et seq. of this issue.]

**ALABAMA.**

**ACTS OF 1911.**

*Contracts of employment with intent to defraud.*

(Page 93.)

SECTION 1. Any person who with intent to defraud his employer enters into a contract in writing for the performance of an act or service and with like intent obtains from such employer money or other personal property shall be guilty of a misdemeanor and on conviction must be punished by a fine of not more than three hundred dollars, and any person who with intent to injure or defraud his landlord enters into any contract for the rent of land and with like intent thereby obtains from said landlord money or other personal property shall be guilty of a misdemeanor, and on conviction must be punished by a fine of not more than three hundred dollars.

Procuring advances on written contract.

Renting land.

Approved March 9, 1911.

*Employment of children—Schools to be provided.*

(Page 247.)

SECTION 1. It shall be the duty of any county board of education or the board of education of any town or city in which there is located one or more manufacturing plants employing fifty or more children within the school age, who are required by the child labor law to attend school for any certain length of time during the year, to locate, or cause to be located, a public school for the accommodation of the children within the school age employed by such manufacturing plant, or plants, and to apportion to the said schools so located such proportion of the school funds of said district as may be necessary to run the school or schools as nearly as practicable the same length of time as the other school or schools of the district are run: *Provided further*, In incorporated cities or towns in which two or more schools are maintained that one or more of said schools may be designated by the proper school authorities as the school for the accommodation of the children within school age employed in such plant or plants.

Children employed in manufacturing plants.

Location of schools.

Approved April 6, 1911.

*Arbitration of labor disputes—State board.*

(Page 320.)

- Appointment of board.** SECTION 1. Within thirty days after this act takes effect the governor shall appoint three persons constituting what shall be known as the State board of mediation and arbitration; the terms of office of each member of said board shall be two years from the time of appointment, or until their successors are appointed, but the governor at any time may remove any member thereof from said office and appoint a successor thereto, should such member become in any manner incompetent to perform the duties of said office. One member of said board shall be known as chairman thereof and shall be so designated by the governor in making said appointment.
- Duties of board.** SEC. 2. The duty of said State board of mediation and arbitration shall be as follows: Whenever a strike or lockout occurs in the State of Alabama, or when such strike or lockout is seriously threatened, and the governor deem it advisable, he shall notify the chairman of said board and one of the members thereof shall proceed promptly to the locality of such strike or lockout and endeavor by mediation to effect an amicable adjustment of the controversy. If the governor deem it advisable he shall cause the chairman of said board to call all the members thereof to the locality of such strike or lockout to inquire into the cause thereof and for that purpose said board shall have all the powers conferred upon it in the case of a controversy submitted to it for arbitration. Two members of such board shall constitute a quorum for the transaction of business and may hold meetings at any time or place within the State when for any purpose, pertaining to the duties of said board, the governor deem it advisable. Examinations or investigations may be held and taken by and before any of their number, but a decision rendered in such a case shall not be deemed conclusive until approved by the board.
- Mediation.**
- Investigation.**
- Submission of grievances.** SEC. 3. A grievance or dispute between an employer and his employees may be submitted to said State board of mediation and arbitration for their determination and settlement. Such submission shall be in writing and contain a statement in detail of the grievance or dispute, and the cause thereof, and also an agreement to abide the determination of the board, and, during the investigation, to continue in business or at work without a lockout or strike. Upon such submission, the board shall examine the matter in controversy. For the purpose of such inquiry they may subpoena witnesses, compel their attendance, take and hear testimony and call for and examine books, papers and documents of any parties to the controversy. Subpœnas shall be issued by any member of the board and served by any person appointed for that purpose by the member issuing same, and who shall receive the same fees for his services as witnesses. Witnesses shall be allowed the same fee as in the circuit courts of the State. The decisions of the board must be rendered within ten days after the completion of the investigation.
- Witnesses.**
- Decision.** SEC. 4. Within ten days after the completion of every arbitration the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written report of their findings of fact and of their recommendations to each party to the controversy. Every decision and report shall be filed in the office of the governor, and a copy thereof served upon each party to the controversy.
- Reports.** SEC. 5. The chairman of said State board shall make a report in writing of each and every arbitration had by them, or investigation made by them, and the results and effects thereof, to the legislature.
- Local boards.** SEC. 6. A grievance or dispute between an employer and his employees may be submitted to a local board of arbitrators consisting of three persons for hearing and settlement. When the

employees concerned are members in good standing of a labor organization, one arbitrator may be appointed by such organization and one by the employer. The two so designated shall appoint a third who shall be chairman of the board. If such employees are not members of a labor organization, a majority thereof at a meeting duly called for that purpose may designate one arbitrator for such board.

Sec. 7. Before entering upon his duties each arbitrator so selected shall sign a consent to act and take and subscribe an oath to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be filed in the clerk's office of the county or counties where the controversy arose. When such board is ready for the transaction of business it shall select one of its members to act as secretary and notice of the time, of place and hearing shall be given to the parties to the controversy. The local board may, through its chairman, subpoena witnesses, compel their attendance, and take and hear testimony as is provided herein for the State board of mediation and arbitration. Each member of such local board shall receive as compensation for his services four dollars (\$4.00) for each day actually engaged in such hearing.

Consent of arbitrators.

Powers.

Compensation.

Sec. 8. The local board shall within ten days after the close of the hearing render a written decision signed by them giving such details as clearly show the nature of the controversy and the questions decided by them. One copy of the decision shall be filed in the office of the clerk of the county, or counties, where the controversy arose, one copy forwarded to the chairman of the State board of mediation and arbitration, one copy to the governor, and one copy each to the parties of the controversy.

Decision.

Sec. 9. The members of the State board shall receive as compensation for their services six dollars (\$6.00) each per day while engaged in the duties of the office as herein defined and railway fare expended in the performance of such duties, said compensation to be paid out of the State treasury; all cost of witnesses as herein provided shall be taxed, in cases of arbitration of matters voluntarily submitted to said State board, and the cost of local arbitration, including witnesses fees and fees of local arbitrators as herein provided, against the parties to said arbitrations, equally. All witness costs in making investigations by the State board in controversies not voluntarily submitted shall be paid out of the State treasury.

Compensation and expenses.

Approved April 7, 1911.

*Assignment of wages.*

(Page 370.)

SECTION 1. All assignments hereafter made by any person of salaries or wages, to be earned in the future, shall be absolutely void. The provisions of this act shall also apply to orders given by employees covering the whole or part of future wages.

Assignments of future earnings.

Sec. 2. Nothing in this act shall effect [affect] the validity of assignments of wages to be earned within thirty days from the date of such assignment when given to secure payment for groceries, clothing, medicine, insurance, medical attendance, or house rent.

Exemptions.

Sec. 3. Nothing in this act shall be construed to effect [affect] the right of the laborer under section 4743 of the Code of Alabama of 1907 to assign his interest in the crop to be raised during the year such an assignment is made.

Crops.

Approved April 11, 1911.

*Time to vote to be allowed employees.*

(Page 421.)

SECTION 54. \* \* \* Every person, firm or corporation employing labor shall on the day of any primary election permit any

Time allowed without loss of wages.

qualified elector in their employment to leave his labor or service for a reasonable time to attend the polls and cast his ballot at such primary election without imposing any forfeiture of any part of his wages or salary for the time so lost in attending the polls.

Approved April 14, 1911.

*Liability of employers for injuries to employées.*

(Page 483.)

Suits to be brought within State.  
Distribution.

SECTION 1. Section 3912 of the Code is hereby amended so as to read as follows: If such injury results in the death of the servant or employee, his personal representative is entitled to maintain an action therefor, in a court of competent jurisdiction within the State of Alabama and not elsewhere, and the damages recovered are not subject to the payment of debts or liabilities, but shall be distributed according to the statute of distributions.

Approved April 18, 1911.

*Liability of employers for injuries to employees.*

(Page 485.)

[This act amends section 3910 of the Code by providing that the liability created thereby shall be enforced in a court of competent jurisdiction in the State of Alabama, and not elsewhere.]

Approved April 18, 1911.

*Mine regulations—Inspection.*

(Page 500.)

Inspectors to be appointed.

SECTION 1. There shall be appointed by the governor of Alabama an inspector of coal mines for each two and a half million tons of coal mined in the State, or majority fraction thereof, based on the report of the tonnage mined for the previous years, compiled by the chief mine inspector, one of whom shall be designated as chief mine inspector and the others shall be designated as associate mine inspectors, and one of them shall be a mining engineer. Immediately upon the passage of this act, the chief mine inspector and one associate mine inspector shall be appointed and shall hold office for three years, and as soon as possible four associate mine inspectors shall be appointed, two of whom shall hold office for two years and two of whom shall hold office for one year, and upon the expiration of their respective terms of office, new appointments may be made for terms of three years from the date of each appointment and until his respective successor is appointed and qualified. The object being, hereafter to appoint as near as practicable one-third of the inspectors each year.

Salary.

SEC. 2. The salary of the chief mine inspector shall be three thousand (\$3,000) dollars per annum, and the salary of each of the associate mine inspectors shall be two thousand (\$2,000) dollars per annum.

Bond.

SEC. 2½. The governor of this State may require the chief mine inspector to execute bond payable to the State of Alabama in such sum as the governor may determine with condition that he will faithfully discharge the duties of his office and will account for, properly distribute and pay over all funds coming into his hands as license fees collected from applicants for certificates from the board of examiners or otherwise. It shall be the duty of said chief mine inspector to report annually to the governor the amount of money received by him from such applicants or otherwise and show the disbursement thereof, and at the expiration of his term of office, pay over any moneys in his hands as such to his successor in office.

Report.

SEC. 3. The chief mine inspector shall be a qualified elector and shall be a competent person, having had at least eight years experience in the working, ventilating and drainage of coal mines in the State, and having a practical and scientific knowledge of all noxious and dangerous gases found in such mines; he must have a first class mine foreman certificate and must be not less than thirty years of age. The associate mine inspectors shall be qualified electors and each shall possess a first-class Alabama mine foreman certificate and shall have had at least five years practical experience in coal mining and shall be not less than twenty-five years of age. The associate mine inspectors shall reside at such points convenient to their respective districts as the chief mine inspector may designate, and the chief mine inspector shall designate the districts. No one shall be appointed mine inspector who, or the wife of whom, owns and operates in whole or in part, mining property.

Qualifications for chief inspector;

For associates.

SEC. 4. It shall be unlawful for the chief mine inspector or any associate mine inspector to be otherwise employed by the State of Alabama.

Other employment.

SEC. 5. The mine inspectors shall give their whole time and attention to the duties of their offices. It shall be the duty of the mine inspectors to examine all the coal mines and all the working places therein as far as possible, in this State, at least every three months to see that all the requirements of this act are strictly observed and carried out; inspectors shall particularly examine the works and machinery belonging to any coal mine, examine into the state of the coal mines as to ventilation, circulation, and condition of air, drainage and general security; they shall make a record of all examinations of coal mines, showing the date when made, the condition in which the coal mines are found, the extent to which the laws relating to coal mines and mining are observed or violated, the progress made in the improvements and security of life and health sought to be secured by the provisions of this act, number of accidents, injuries received, or deaths in or about the coal mines, the number of persons employed in or by each coal mine, together with all such other facts and information of public interest concerning the condition of coal mines, development and progress of coal mining in this State, as they may think useful and proper, and so much thereof as may be of public interest to be included in their reports. A comprehensive report of each inspection of each coal mine shall be promptly made to the superintendent or operator. This report shall be on a form provided for that purpose and compiled by the chief mine inspector, and the board of examiners. This report form may be changed by the chief mine inspector and board of examiners from time to time, as may seem desirable to them.

Duties.

Record of examinations.

Accidents.

Report.

SEC. 5½. It shall be the duty of said board to have one of its members to promptly investigate all accidents in coal mines resulting in serious injury or death of any person employed or working in or about the same.

Investigation of accidents.

SEC. 6. Each member of said board is hereby authorized and empowered to issue subpoenas requiring the attendance of witnesses before said board or before such member thereof, to testify under oath in any proceeding before such board or such member, and require witnesses to answer all proper questions propounded to them by said board or such member. That it is hereby made the duty of the sheriff or constable in the county in which such witness may reside or be found, to execute subpoenas issued as above provided, and that they shall each receive for their services in executing such subpoenas the same fees as are allowed them respectively for executing subpoenas in other cases. Any witnesses summoned as above mentioned shall be entitled to the same mileage and per diem as is now allowed by law to such witnesses attending trials in the circuit courts. If any witness subpoenaed as above mentioned shall fail to attend without good excuse, in accordance with the subpoena served on him, or shall

Procuring witnesses.

Failure of witness to attend or testify.

- fail to attend without good excuse, in accordance with the subpoena served on him, or shall fail to testify when attending, it is hereby made the duty of said board or the member before whom said proceedings is being had, to certify to the failure of any witness to attend and testify, to a judge of any court of record in the county where such proceeding is being held. It is hereby made the duty of the judge to whom such certificate is made to cause such witness to appear before him at a time fixed by said judge, to show cause why he should not be punished for contempt, and to fine or imprison such witness as such judge may deem proper in case he is found guilty of contempt in the premises. That the expense of executing subpoenas and the attendance of witnesses, as well as said contempt proceedings, shall be paid out of any funds in the treasury of the State on certificate of the chief mine inspector, approved by the governor of the State.
- Expenses.** SEC. 7. The chief mine inspector, shall, prior to the assembling of the legislature, make a written report to the governor stating the condition of the coal mining interests in this State with such suggestions, statistics, and information as may be of interest to the coal mining industry, and the report shall be printed on the order of the governor and paid for out of the funds of the treasury not otherwise appropriated.
- Report of chief inspector.** SEC. 8. The chief mine inspector shall be furnished by the State all necessary instruments for measurement of air in coal mines, and whatever apparatus the said inspector may recommend.
- State to furnish instruments;** SEC. 9. The chief mine inspector shall procure for the State and the State's expense a full and complete set of standards and other equipment, such as, in his opinion, are necessary in the testing of scales, beams, and other necessary apparatus to be used for a just weighing of coal and other material at the coal mines according to the State standard of weights; and it shall be the duty of said inspector to examine, test and cause to be adjusted as often as occasion demands, all scales and other apparatus used in weighing coal at coal mines.
- And standards.** SEC. 10. The chief mine inspector, with the concurrence of two of the associate mine inspectors, shall have power and authority to immediately stop the operation of any coal mine or any part thereof in which there is sufficient gas or dust, in the opinion of the said chief mine inspector and said associate inspector, to cause an explosion and endanger the lives of the persons working therein, but work shall not be stopped in any mine except where there is immediate danger of an explosion until the operator or person in charge of said mine shall have had reasonable time in which to remove the danger of such explosion. Any operator, whose mine or any part thereof, has been stopped under this section, may apply to the chancery court of the county, where the mine is located for an injunction, and upon ten days notice served on the chief mine inspector, said application for injunction shall be heard by the said chancery court, if in session, or by the chancellor thereof, if the court be in vacation, upon testimony received in such manner as the chancellor may direct: *Provided*, That each party shall be entitled to have all witnesses produced by him at the hearing examined orally before the chancellor, and the testimony of each witness so examined shall be reduced to writing and signed by the witness and shall become a part of the record of the cause. If, upon such hearing, the proof shows that such mine or part thereof was or is wrongfully closed, then the chancellor, or chancery court trying the same, shall award a writ of injunction in favor of said operator, restraining said chief mine inspector and associates from stopping the operation of said mine or part thereof, and revoking the order of said chief mine inspector and associates. The chief mine inspector, or other representative of the State, with the consent of the governor may employ such experts as he deems necessary to examine the mine in question and the compensation of such experts shall be fixed by the governor and be paid out of the State treasury upon
- Stopping operation of mine.**
- Appeal.**

the order of the governor. An appeal by the unsuccessful party shall lie to the supreme court of the State from any decree of the chancellor or chancery court trying the cause. In all such causes the chief mine inspector and associates shall be entitled to the services of the solicitor prosecuting for the State in the county where the cause is triable, and the governor may provide special counsel of his selection to represent the chief mine inspector and associates and fix the compensation of such counsel, which shall upon the written direction of the governor be paid out of the moneys appropriated by section fifteen of this act in the manner therein provided.

SEC. 11. Immediate notice must be conveyed to the chief mine inspector and the inspector of the proper district by the operator interested. First, whenever an accident occurs whereby any person receives serious or fatal injury. Second, Whenever it is intended to abandon any coal mine or reopen any abandoned coal mines. Third, Upon the appearance of any dangerous accumulation of fire damp in any coal mine, whether accompanied by explosion or not, and upon the occurrence of any fire within the coal mine or on the surface. Fourth, When the workings of any coal mine are approaching dangerously near any abandoned coal mine, containing accumulations of water or of gas. Fifth, Upon the accidental closing or intended abandonment of any passageway to an escapement outlet. But none of the information contained in any report of accident shall be divulged by any one of the inspectors, or their employees, to any person except in a legal proceeding or except it be to a member of the family of the party injured or killed, or to a legal representative of said party or family, and the chief mine inspector shall require such legal representative to file his authority therefor.

Notice to be given inspectors by operators.

SEC. 11½. It shall be the duty of said board, whenever notified of any fatal accident or accident causing serious personal injury, to any person employed in any coal mine in this State or any gas or dust explosions therein, to require a member of said board to immediately repair to the scene of the accident or explosion and investigate the cause of such accident or explosion and make such orders as are necessary or proper to secure the safety of the persons working therein. Said board shall keep on file at its office a list of all accidents resulting in death or serious bodily injury to any person working in or about such mines. Such list subject to examination as provided in section 11.

Investigation of accidents.

SEC. 12. Whenever the chief mine inspector shall require it, the owner, operator, or lessee of any coal mine shall send to the chief mine inspector on blanks furnished by him for that purpose, a report showing the amount of ventilation at the inlet and outlet; the amount of ventilation at or near the last cross cut in each split, the number of splits and the number of men and animals on each split. The report shall also include a record of the pressure gauge readings.

Reports as to ventilation.

SEC. 13. On or before the twenty-fifth day of January in each year, the operator or superintendent of every coal mine shall send to the chief mine inspector a correct report, specifying with respect to the year ending with the thirty-first of December preceding the name of the operator and location of offices of coal mines, and the quantity of coal and kind of coal mined. The report shall be in such form and give such information regarding such mine as may be from time to time required, and prescribed by the chief mine inspector. Blank forms for such report shall be furnished by the chief mine inspector.

Annual reports of operators.

SEC. 14. The governor may remove any chief mine inspector or associate inspector at any time with or without cause, the governor shall also have the power to fill vacancies occasioned from any cause.

Removal of inspectors.

SEC. 17. When any agent or operator of any mine shall refuse or fail to comply with any order or direction of the chief mine inspector after the expiration of a reasonable time the chief mine inspector may, if he deem it advisable, refer the matter to

Failure to comply with order of inspector.

the judge of probate in the county in which the mine is located. Upon such reference the judge of probate shall set a day for the hearing of the same and issue citation to the owner or operator of the mine to appear and contest the same if he sees proper; said citation to be served by the sheriff of the county at least ten days before the day of trial. Upon the application of either party, the judge of probate must issue subpoena for witnesses, to be served by the sheriff as in other cases. After hearing the case the probate judge must render such decision as he may deem just and equitable, from which decision either party may appeal to the circuit court within sixty days, when it shall be tried de novo. From the decision of the circuit court either party may appeal to the supreme court of Alabama. If no appeal is taken, the decision shall be final and binding on said operator or mine owner, and any mine owner or operator who refuses to carry out the final order or determination of the case, after a reasonable time, shall be guilty of a misdemeanor, and must, on conviction be fined not more than one thousand dollars.

Board of examiners.

SEC. 18. The chief mine inspector, who shall be ex officio chairman of the board, with a vote only in case of a tie vote, or in case of the absence of one member of the board, together with two practical miners and two operators of coal mines, and one mining engineer (a majority of whom shall act) and all members of which board shall hold first-class certificates, shall constitute a board of examiners to examine and give certificates of fitness to persons to act as mine foremen, or fire bosses, in any coal mine in this State; a fee of five dollars shall be paid to the chief mine inspector by each person examined for mine foreman certificate and three dollars for fire boss certificate, to be used as an examiners fund, before examination is begun. Out of the examiners fund there shall be paid to each member of the board, except the chief mine inspector, who shall serve without extra pay, four dollars per day. Said board shall meet every six months at the office of the chief mine inspector, and remain in session not longer than six days and special meetings may be called by the chief mine inspector and must be called at the request of three members of the board. The members of this board shall be appointed by the governor and shall hold office for three years and until their successors are appointed and qualified and as near as possible two members shall be appointed one year and three the succeeding year. The present board shall remain in office until their terms expire and the governor shall appoint the additional members upon the passage of this act, and other members in accordance with this section as the terms of office of the present board respectively expire. The chief mine inspector shall preserve in his office a record of the meetings and transactions of the board and of all certificates issued.

Fees.

Meetings.

Appointment.

Record.

Rules for examinations.

SEC. 19. The examinations herein provided for shall be conducted under such rules, conditions, and regulations as the members of the board shall deem most efficient for carrying into effect the spirit and intent of this act. Such rules, when formulated, shall be made a part of the permanent record of the board, and such of them as relate to candidates shall be published for their information and governance prior to each examination; they shall also be of uniform application to all candidates.

Duplicate certificates.

SEC. 20. In case of the loss or destruction of a certificate the chief mine inspector may supply a copy thereof to the person losing same upon the payment of \$1.00: *Provided*, It shall be shown to the satisfaction of the chief mine inspector that the loss has actually occurred, and the loser was the holder of such certificate.

False statements, etc.

SEC. 21. If any person, or persons shall forge or counterfeit a certificate or knowingly make or cause to be made any false statement in any certificate under this act or in any official copy of the same, or shall urge or influence others to do so, or shall utter or use any such false certificate or unofficial copy thereof, or shall make, give, utter, produce, or make use of any false

declaration, representation or statement in any such certificate or copy thereof, or any document containing same, or make any false statement or misrepresentation in application before examining board for any certificate he or they, shall be guilty of a misdemeanor and his certificate cancelled or annulled by the examining board.

SEC. 22. Applicants for first and second class mine foreman's certificates shall be at least twenty-three years of age, and shall have at least five years practical experience, three years of which shall have been spent within coal mines after having attained the age of fifteen years as mine worker, superintendent, at or inside of any coal mine, and shall be citizens of the United States, and shall present an affidavit as to the above and a certificate of good moral character and of known temperate habits, signed by ten reputable citizens where he resides. The said board shall be entitled to grant certificates of competency of two grades, namely, certificate of the first class to persons who have had experience in coal mines generating gases or accumulating dust, one or both, and who shall have the necessary qualifications to fulfill the duties of mine foreman in such mines; and certificates of second class to persons who give satisfactory evidence of their ability to act as mine foreman in coal mines not generating explosive gases. Any person holding a first-class certificate of any other State may act as mine foreman in this State until the first meeting of the examining board.

Qualifications of applicants for foreman's certificates.

Grades of certificates.

SEC. 23. Applicants for fire boss certificates shall be at least twenty-one (21) years of age, and shall have had at least three years practical experience within coal mines after having attained the age of fifteen years and shall be a citizen of the United States and shall present an affidavit as to the above and a certificate of good moral character and of known temperate habits signed by ten reputable citizens where he resides. Said board shall be entitled to grant certificates of competency to persons who have had experience in coal mines generating gases and who shall have the necessary qualifications to fulfill the duties of fire boss in such mines.

Qualifications of applicants for fire boss.

Certificates.

SEC. 24. Any one holding a first-class mine foreman's certificate may serve as fire boss. Whenever any exigency arises by which it is impossible for any operator, owner or lessee to secure the immediate service of a certified mine foreman or fire boss he may employ any trustworthy and experienced man, subject to the approval of the State inspector of the district, to act as temporary mine foreman or fire boss for a period of not to exceed sixty days.

Foreman may serve as fire boss. Temporary mine foreman.

SEC. 25. Certificates of service may be issued by the examining board to persons acting as fire bosses at the time of the passage of this act and such certificates shall entitle them to act, until the next examination for fire bosses.

Certificates of service.

SEC. 26. The certificate of any mine foreman or fire boss may be cancelled and revoked by the board of examiners, whenever it shall be established to the satisfaction of said board that the holder thereof has become unworthy of official endorsement by reason of violation of the law, intemperate habits, manifest incapacity, abuse of authority, or for other causes satisfactory to said board; *Provided*, That any person against whom charges or complaints are made shall have an opportunity to be heard in his own behalf. And he shall have at least thirty days notice in writing of such charges, by the chief mine inspector, and if the holder of a certificate is convicted on the hearing of such charge or complaint, of violating any part of this law his certificate shall be revoked by the board; *Provided*, That the chief mine inspector after a thorough investigation, may suspend such holder pending a meeting of the board of examiners and its final action.

Revocation or cancellation of certificate.

SEC. 27. No person shall act as foreman in any coal mine in this State generating explosive gases or dust in quantities sufficient to explode or extend an explosion unless he is in possession of a first-class certificate of competency, and no person shall act as foreman in any coal mine in this State which is nongaseous

Foremen in gaseous mines;

In other mines.

unless he is in possession of a first-class or second-class certificate of competency.

- Temporary absences.** SEC. 28. The duties of the mine foreman may be performed by the assistant mine foreman during the temporary absence of the mine foreman for a period not exceeding one week.
- Duties.** SEC. 29. The mine foreman shall have charge of carrying out or directing the carrying out of his duties as prescribed in this act; and any person who shall direct or cause a mine foreman to disregard the provisions of this act, shall be amenable in the same manner as the mine foreman.
- Sprinkling entries.** SEC. 30. Whenever any entry, slope or heading or other working places in any coal mine contains dust which will ignite, explode or extend an explosion, it shall be the duty of the person or corporation operating said mine to have it sprayed or sprinkled.
- Fire boss.** SEC. 31. Except as otherwise provided in this act no person shall act as fire boss in any coal mine in this State generating explosive gases unless he is in possession of a certificate of competency.
- Gaseous mines.** SEC. 32. When gas exists in any coal mine in quantities sufficient to ignite or explode the owner, operator, lessee or agent of such mine shall employ a competent fire boss whose duties shall be to examine every working place in the mine before the men are permitted to enter for work. Said fire boss shall be at some convenient place for at least an hour each morning to inform every man as to the state and condition of his working place so far as gas in dangerous quantities is concerned before entering. Said work shall be carefully examined every morning with a safety lamp by the fire boss before the workmen are allowed to enter therein. It shall also be the duty of the fire boss after each examination to leave at a point at least twenty-five (25) feet distant from the face of every slope, drift, entry, or air course and at the neck of every room examined by him a conspicuous sign or mark indicating the presence of gas in dangerous quantities discovered by him, together with a memorandum of the date of his examination. It shall be a misdemeanor on the part of any fire boss to fail to perform any duty imposed on him by the provisions of this section, and it shall be a misdemeanor for any person to enter in or dangerously near to any place in the mine in which he has been notified in person that gas exists in dangerous quantities or dangerously near to any place where any such sign or mark has been placed.
- Machines.** SEC. 34. Machine runners and helpers shall use care while operating machines they shall not operate a machine unless the shields are in place, and no persons not engaged in the operating of a machine shall go near the machine while it is in operation. They shall not move the machine except while cutting, while the cutting chain is in motion. If they remove props which have been placed by the miner or loader for the security of the roof, they shall reset such props.
- Employees to report unsafe conditions.** SEC. 35. All employees shall promptly inform the mine foreman or his assistant of the unsafe condition of any working place, hauling roads or traveling ways, or of damage to doors, brattices, or stoppings, or of obstructions in the air passages when known to them. Every workman employed in coal mines shall examine his working place before commencing work, and after any stoppage of work during the shift, he shall repeat the examination.
- Injuring shafts, etc.** SEC. 36. It shall be unlawful for any miner, workman, or other person knowingly to injure any shaft, safety lamp, appliances, air course or brattices or to obstruct or throw open any air way or carry any open lamp or lighted pipe or fire in any form into any place worked by the light of safety lamps, or within five feet of any open powder, or to handle or disturb any part of the hoisting machinery, or open door regulating an air current and not close the same, or to enter any part of a coal mine against caution, or to do any willful act whereby the lives or health of persons working in coal mines or the security of the mine or the machinery thereof is endangered.
- Rules to be adopted.** SEC. 37. There shall be adopted by the operator of every mine in this State special rules for the government and operation

of his mine or mines, covering all the work pertaining thereto in and outside of the same, which however, shall not be in conflict with the provisions of the mining laws of this State; such rules when established shall be printed on card board in the English language, and shall be posted up in the drum house, tippie or some other conspicuous place about the mines where the same may be seen and observed by all the employees at such mines, and when a copy has been given an employee it shall operate as a notice to him and shall be conclusive of his acceptance of the contents thereof; and it shall be the duty of each mine operator to furnish a printed copy of said rules to each of his employees.

SEC. 38. It shall be the duty of persons operating coal mines in this State to keep at a convenient place at or near the main entrance of the mine, or in the mines, a sufficient supply of props and other timbers useful for propping therein, of suitable lengths and sizes, for those working in such mines. It shall be the duty of those working in said mines who need props or other timbers to select and mark the same when needed for propping by them, designating on such props or timbers the place at which the same are to be delivered or give notice to the person whose duty it is to deliver or have the same delivered, of the number and kind of props or other timbers needed and of the place at which they are to be delivered. It shall then be the duty of the operator to promptly deliver or cause to be delivered such props or other timbers at the place designated.

Timbers.

SEC. 39. In all coal mines employing twenty or more men inside at any one time it shall be the duty of the owner, operator, or lessee to have and maintain at least two available openings to the surface for each seam, or stratum [stratum] of the coal worked in such mines, said openings which in case of slope mines, shall be separated by natural strata of not less than twenty-five feet, and in all mines with two hundred tons or over daily capacity all stoppings between slopes and manway shall be made of fireproof material. The said openings in case of shaft mines shall be separated by not less than one hundred feet of natural strata. Both of these openings, in all cases, shall be kept in good condition and shall be at all times reasonably safe and convenient for entering and leaving the mines; reasonable time however, shall be given to said owner, operator or lessee to prepare the second opening, in no case exceeding six months from the passage of this act, unless in the opinion of the chief mine inspector, a longer time is required, in which case he shall allow the additional time necessary. The said second opening may be made through another adjoining mine. At all points where the passage way to the escapement shaft, or other place of exit, is intercepted by other road ways or entries, conspicuous signboards shall be placed indicating the direction it is necessary to take in order to reach such place of exit.

Openings to surface.

SEC. 40. The operator or superintendent of every coal mine, whether a shaft, slope or drift, shall provide and hereafter maintain ample means of ventilation for the circulation of air through the main entries and all other working places to an extent that will dilute, carry off and render harmless the noxious and explosive gases generated in the mine, the same to be not less than one hundred cubic feet per minute per man, and five hundred cubic feet per mule or horse, and shall be properly conducted to all working places.

Ventilation.

SEC. 41. No accumulation of explosive gas shall be allowed to exist in the worked out or abandoned parts of any coal mine in operation, and the entrance or entrances to said worked out and abandoned places shall be properly fenced off, and cautionary notices shall be posted upon said fencing to warn persons of danger.

Accumulations of explosive gas. Fencing.

SEC. 42. It shall be the duty of the chief mine inspector to require that proper breaks through be made in all room pillars at such distance apart as, in the judgment of the mine inspector,

Breaks through.

may be deemed requisite, but said breaks through shall not be more than seventy feet apart.

**Attendants at doorways.** SEC. 43. At all principal doorways through which cars are hauled, an attendant shall be employed for the purpose of opening and closing said doors when trips or cars are passing to and from the workings. Sufficient space shall be provided at such doorways to protect the attendants from being injured by the cars while attending to their duties: *Provided*, That in any or all coal mines, where doors are constructed in such a manner as to open and close automatically attendants and places for shelter shall not be required.

**Doors.** SEC. 44. The doors used in a system for ventilating or regulating the ventilation of coal mines shall be so hung and adjusted that they will close themselves, or by supplying them with springs or pulleys so that they can not be left standing open. When ordered by the chief mine inspector a second or emergency door shall be provided at all points where doors are used, said doors to be used in case of damage to the other door. After the passage of this act no ventilating fan shall be placed nearer than thirty feet to an air shaft, or air course and shall be placed to one side of the line of such opening so as to remove the fan from the blast of an explosion, and the air duct connecting the fan with such opening, shall be provided with self-closing explosion doors.

**Furnace in gaseous mines prohibited.** SEC. 45. It shall be unlawful to use a furnace for ventilating any coal mine where explosive gas is generated in quantities considered dangerous by the chief mine inspector and associate mine inspector of the district in which such mine is located or where there is a known probability of cutting into explosive gas producing territory. This section does not apply to boiler plants in mines installed prior to the passage of this act, unless considered dangerous by the chief mine inspector and associate mine inspector of the district in which such mine is located.

**Steam pipes.** SEC. 46. No steam pipes through which high pressure steam is conveyed, for the purpose of driving pumps or other machinery, shall be permitted on traveling or haulage ways, unless they are encased in asbestos, or some other suitable nonconducting material, or are so placed that the radiation of heat into the atmosphere of the coal mine will be prevented as far as practicable: *Provided*, That after the passage of this act that steam pipes shall be placed in the return air way and may be without casing.

**Insufficient ventilation.** SEC. 47. If at any time the chief mine inspector or his associates are notified or discovered [discover] that the ventilation in any coal mine within the State is insufficient, the said chief mine inspector or one of his associates, shall proceed within five days to investigate said complaint or complaints by personal inspection of any mine or mines in which the quality or quantity of air is complained of, and if on investigation he finds that the air in any mine is insufficient, he shall direct the operator or operators of said mines to adopt such measures for the proper ventilation of said mine as he deems necessary.

**Obstructing airways.** SEC. 48. No person shall place refuse in or obstruct any airway or break through used as an airway.

**Building fires in mines.** SEC. 49. It shall be unlawful for any miner or other person to make or build any fire in any coal mine without the written permission of the superintendent thereof.

**Who may use safety lamps.** SEC. 50. No safety lamp shall be entrusted to any person for use in coal mines until he has given satisfactory evidence to the mine foreman that he understands the proper use thereof and danger of tampering with the same.

**Care of safety lamps.** SEC. 51. All safety lamps used for examining coal mines or for working therein, shall be the property of the operators, and shall be in the care of the mine foreman, his assistant or fire boss or other competent persons, who shall fill, trim, and examine and deliver the same locked in a safe condition to the men when entering the coal mine, before each shift. A sufficient quantity of

**Extra lamps.** ing the coal mine, before each shift. A sufficient quantity of extra safety lamps, but not less than twenty-five per cent of those

in use shall be kept at each coal mine where methane has at any time been generated in sufficient quantities to be detected by the ordinary safety lamps for use in case of emergency. It shall be the duty of every person who knows his safety lamp to be injured or defective to promptly report such fact to the party authorized herein to receive and care for said lamps, and it shall be the duty of that person to promptly repair or report such fact to the mine foreman.

Sec. 52. Approved safety catches shall be attached to cage used for the purpose of lowering and hoisting persons into and out of coal mines, and must be provided with suitable sheet iron covers, at least one-fourth inch thick and hinged to open upward, to protect persons riding thereon from falling objects, and also with iron bars or rings in proper place, and sufficient number to furnish a secure handhold for every person permitted to ride thereon. An adequate brake shall be attached to every drum or machine for lowering and hoisting persons into and out of the mine and also indicators which shall show to the person who works the machine the position of the cage or load in the shaft or on the road way. And, all shafts used for hoisting men, shall be equipped with metal tubes or pipes, suitably adopted for the free passage of sound, through which conversation may be held between persons at the top and landings of said shaft all safety catches provided for herein shall be carefully inspected and properly oiled at least once a week and shall be at all times kept in good working condition.

Safety catches on cages.

Brakes.

Speaking tubes.

Sec. 53. The main coupling cage chain in shaft mines attached to the socket of the wire rope may be tested by weights or otherwise to the satisfaction of the mine inspector of the district wherein the coal mine is located, and bridle chains shall be attached to the main hoisting rope above the socket, from the top crosspiece of the carriage or cage, so that no single chain shall be used for lowering or hoisting persons into or out of the mines. At all shafts used for the purpose of hoisting and lowering men, the cages shall be provided with automatic self-detaching hooks or the engines handling same shall be equipped with an automatic stopping device to prevent overwinding.

Main coupling chain.

Sec. 54. The owner, operator or lessee of any coal mine shall place in charge of any engines used for conveying into and hoisting out of said coal mine, none but a competent engineer. No other persons unless authorized by the owner, operator or lessee shall enter the engine-room, and it shall be unlawful for any person to interfere with or intimidate the engineer in the discharge of his duty. No person shall speak to the engineer while the engine is in motion, unless it be in giving signals to him, and notices to this effect shall be posted on the door of the engine-house.

Operation of engines.

Sec. 55. The ends of all hoisting cables shall be well secured on the drum, and have at least two and a half laps of the same remain on the drum when the cage or trip is at rest at the lowest landing.

Ends of cables.

Sec. 56. All shafts more than 300 feet deep from which hoisting is done by means of a bucket must be provided with suitable guides, and in connection with the bucket there must be a crosshead traveling upon these guides. The height of the crosshead shall be at least two-thirds of its width. If the crosshead be a type that is not secured to the hoisting rope, a stopper must be securely and rigidly fastened to the hoisting rope at least seven feet above the rim of the bucket.

Guides in certain shafts.

Crosshead.

Sec. 57. No open hook shall be used with a bucket in hoisting. Safety hooks shall be employed.

Open hooks.

Sec. 58. Persons engaged in deepening a shaft in which hoisting from an upper level is going on shall be protected from the danger of falling material by a suitable covering extending over the whole area of the shaft, sufficient openings being left in the covering for the passage of men, a bucket or other conveyance used in the sinking operations. No hoisting shall be done

Protection of persons deepening shafts.

in any compartment of a shaft while repairs are being made in that compartment, excepting such hoisting as is necessary in order to make such repairs.

Riding on cages, etc.

SEC. 59. Any person riding upon any cage, skip or bucket that is loaded with tools, timber, powder or other material except for the purpose of assisting in passing such material through a shaft or incline and then only after a special signal has been given, shall be guilty of a violation of this act. When tools, timber or other materials are to be lowered or hoisted in a shaft, their ends, if projecting above the top of the bucket, skip or other vehicle shall be securely fastened to the hoisting rope or to the upper part of the vehicle. This shall not apply to workmen carrying their own tools in a shaft.

Carrying timber, etc.

SEC. 60. No person shall carry any timber or other materials other than tools and the day's supplies, with him on any cage in motion, except for use in repairing the shaft; and no one shall ride on a cage containing a loaded car, or on a single-deck cage with an empty car. No cage having an unstable or self-dumping platform shall be used for the carriage of men or materials, unless the same is provided with some convenient device by which said platform can be securely locked, and unless it is so locked whenever men or materials are being conveyed thereon. No coal shall be hoisted in any shaft while men are being lowered therein.

Carrying men or materials.

SEC. 61. The upper and lower landing at the top of each shaft and the opening of each intermediate seam from or to the shaft, shall be kept clear and free from loose materials, and shall be securely fenced with automatic or other gates, so as to prevent either men or materials from falling into the shaft.

Landing..

Passageway around landing place.

SEC. 62. At the bottom of every shaft and at every caging place therein, an adequate passageway must be provided around said landing place to serve as a traveling way by which men or animals may pass from one side of the shaft to the other without passing under or on the cage.

Cables for hoisting.

SEC. 63. It shall be unlawful to use in any coal mine included within the provisions of this act, any rope or cable for hoisting or lowering either man or material, when such hoisting is done by other means than human or animal power, unless such rope or cable shall be composed of iron or steel wires, with a factor of safety determined as hereinafter set forth: *Provided, however,* That such iron or steel wires may be laid around a hemp center. The factor of safety of all ropes or cables shall, when installed in no case be less than five and shall be calculated by dividing the breaking strength of the rope as given in the manufacturers' published tables by the sum of the maximum load to be hoisted, plus the total weight of the rope in the shaft when fully let out, plus ten per cent of such values, to take account of shock at starting and stopping.

Drag on rear of cars.

SEC. 63½. It shall be unlawful for any mine operator, superintendent or mine foreman to haul or cause to be hauled on any slope or plane where the grade is against the loaded cars or trips of cars without using a drag on the rear end of the cars or trips of cars when required by two or more mine inspectors for the purpose of derailing the cars or trips of cars in case they break loose and run back. The drag may be of heavy wrought iron or of soft steel.

Ascending or descending shafts with animals.

SEC. 64. No driver or other person shall descend, or ascend a shaft with any horse or mule, unless the said horse or mule is secured in a suitable box or safely penned, and only the driver in charge of said horse or mule, and such assistants as he may need, shall accompany it in any case.

Maps.

SEC. 65. The owner, operator or lessee of any coal mine in this State, shall make or cause to be made by a competent engineer an accurate and exact detail map of said mine showing the exact position of said mines in reference to the section line, which shall be connected with some known boundary line of the section or subdivision of the section. Said map shall show accurately the position of any branches, creeks, rivers or railroads under which

said mine may extend; also as near as possible the position of any old coal mine nearby. The location of all oil and gas wells shall be shown on said map. Said maps shall show all shafts, slopes, tunnels or other openings to the surface or to the workings of a contiguous coal mine; all excavations, entries, rooms and crosscuts; the location of the fan and furnace and the direction of the air currents; the location of pumps, hauling engines, engine planes, abandoned works, fire walls and standing water; and the boundary line of any surface outcrop of the seam. A separate and similar map, drawn to the same scale in all cases, shall be made of each and every seam, which after the passage of this act, shall be worked in any coal mine and the maps of all such seams shall show all shafts, inclined planes or other passages connecting the same. Each map shall also show by elevation in feet and decimals thereof the rise and dip of the seam from the opening in either direction to the face of the workings. Said map shall be sworn to by the engineer making same. The map provided for herein shall be filed with the chief mine inspector during the month of January, next after opening of said mine, and shall show its condition on the first day of such January, and all new work inside of the mine must be added to said map, or a new map filed each year thereafter, showing the condition of the mine on the first day of January of the same year, and this provision for additions to maps shall apply to all maps which have heretofore been filed in the office of the chief mine inspector. Said maps shall be filed in the office of the chief mine inspector, who shall provide a suitable and safe place for keeping them. The chief mine inspector with the approval of the board of examiners may refuse to accept maps made by persons claiming to be mining engineers who are not known to be such and of good standing and character in their profession. The mine boss in charge of such mine shall certify to the correctness of such map, to the best of his knowledge and belief, and the additions made thereto. Said map shall be made on a uniform scale of one hundred or two hundred feet to the inch. The persons entitled to examine maps, plats and records of a coal mine shall be the owner, operator or lessee or agent of such coal mine, the persons financially interested in such mine; the owner, or owners, of land adjoining such mine; the owner or owners of land adjacent to such mine; the owner, operator, lessee or agent of a coal mine adjacent to such mine, and the authorized representatives of the employees of such or the employees driving any break through liable to break into adjacent mine. The chief mine inspector shall not permit such maps, plans, records and papers to be removed from his office, and shall not furnish copies thereof to any persons except by request of the owner, operator, lessee or agent of the mine to which such maps, plans and records pertain. The chief mine inspector during the first three days of January of each year, shall forward, or cause to be forwarded by express, or by other safe means of transmitting at the expense of the owner, operator or agent of the respective coal mines, all maps on file in his office of mines in operation to the chief office of the respective mine as such chief office shall be reported to him, in order that said map may be revised showing the condition of the mine on the first day of January of each year and such owner, operator or agent of each mine in this State shall have such maps revised during the month of January of each year, and return the same to the office of the chief mine inspector charges prepaid, during the said month of January.

Filing.

Who may examine.

Revision.

SEC. 66. Whenever the operator of any coal mine shall neglect or refuse, or, for any cause not satisfactory to the chief mine inspector, fail for the period of three months, to furnish to said inspector the map or plan of such mine, or a copy thereof, or of the extension thereto, as provided for in this act, such operator shall be deemed guilty of a misdemeanor. In addition thereto the chief mine inspector is hereby authorized to make or cause to

Failure to furnish maps.

be made, an accurate map or plan of such mine at the expense of the owner thereof; and the cost of the same may be recovered by law from the operator in the same manner as other debts by suit in the name of the chief mine inspector and for his use.

Incomplete,  
etc., maps.

SEC. 67. If the chief mine inspector shall believe that any map or plan of any coal mine made or furnished in pursuance of the provisions of this act is materially incomplete, inaccurate, or imperfect, then the chief mine inspector is hereby authorized to cause a correct survey and map or plan of said mine to be made at the expense of the operator thereof, the cost of which shall be recoverable from said operator as other debts are recoverable by law: *Provided*, That when the chief mine inspector shall cause a new survey and map or plan of any such coal mine, and it is found that the map or plan furnished by the operator was substantially correct, then the cost of the survey, map or plan caused to be made by the chief mine inspector shall be paid by the State.

Survey may  
be ordered by  
inspector.

SEC. 68. The chief mine inspector may order a survey to be made between the regular survey periods, of the workings of any coal mine and the results to be extended on the maps of the same and the copies thereof, whenever, in his judgment, the safety of the workmen, the support of the surface, and the conservation of the property or the safety of an adjoining coal mine require it.

Worked-out  
mines.

SEC. 69. When any coal mine is worked out, or is about to be abandoned or indefinitely closed, the operator of the same shall make or cause to be made a final survey, where not already made, of all parts of such mine and the results of the same shall be duly extended on all maps of the mine and copies thereof, so as to show all excavations and the most advanced workings of the mine and their exact relation to the boundary or section lines on the surface and such abandoned mines shall be properly fenced off.

Approach to  
dangerous  
places.

SEC. 70. When it is known that a place is likely to obtain a dangerous accumulation of gases or water, workings when approaching such places, shall not exceed eight feet in width, and the person, or persons, driving such place, shall constantly keep at a sufficient distance ahead, not less than three yards in advance, one bore hole near the center of the working, and one in each corner 15 feet deep, at an angle of forty-five degrees, at intervals of six feet. These holes shall not be used for blasting but separate holes for blasting not over four feet deep, must be drilled. These precautions must begin at least 100 feet from the probable source of danger.

Bore holes.

Tapping wa-  
ter in adjoining  
mine.

SEC. 71. In any coal mine, or coal mines, or parts thereof, wherein water may have been allowed to accumulate in large and dangerous quantities, putting in danger the adjoining or adjacent coal mines, and the lives of the miners working therein, and when such can be tapped and set free and flow by its own gravity to any point of drainage, it shall be lawful for any operator or person having a mine so endangered, with the approval of the chief mine inspector, to proceed and remove the said danger by driving a drift or drifts protected by bore holes as provided by this act, and in removing said danger it shall be lawful to drive across property lines if needful: *Provided*, That all coal removed in such driving from adjacent land shall be paid for on the basis of 25 cents per ton of 2,000 pounds. And, it shall be unlawful for any person to dam or in any way obstruct the flow of water from said mine or parts thereof, when so set on any part of its passage to point of drainage.

Workings to  
boundary lines.

SEC. 72. In no case shall the workings of any coal mine be driven nearer than 15 feet to the boundary line of the coal rights of the owner of said mine, except for the purpose of establishing an underground communication between contiguous mines, as provided for elsewhere in this act: *Provided*, That by mutual consent of adjacent property owners, this distance may be reduced or eliminated entirely: *And provided, further*, That any operator working up to an abandoned coal mine may be permitted to work to his property line if approved by the chief mine inspector, but in such cases proper precautions must be taken as provided in this act.

SEC. 73. Whenever the owner, operator or lessee of any land adjacent to other land on which any coal mine is being worked, shall have reason to believe that such mine is being so worked as to encroach upon his land, and has been refused by the owner, operator or manager of the mine, permission at reasonable time to enter upon said mine with a competent engineer for the purpose of inspecting and surveying such mine, he may make application under oath to the probate court of the county in which the mine is situated, setting out the facts and praying for an order that such mine shall be surveyed. Upon the hearing after such notice to the owner, operator or lessee of the mine, as the court may prescribe, the court may make an order requiring the chief mine inspector to employ a competent engineer to make a survey of such mine and file such survey in the office of the judge of probate and such survey when filed shall be received in any court as prima facie correct. The court may at any time during the progress of the proceedings require security for costs and may tax the costs in such manner as may be just and equitable.

Rights of owners of adjacent lands.

SEC. 74. No gasoline, or naphtha, shall be used in a coal mine, excepting for operating machinery, blow torches, safety lamps or for operating under the following regulations: Notice shall be made to the chief mine inspector before installing, and the installation and operation shall be subject to his approval. The supply tank from which the gasoline or naphtha is fed to the engine, shall be of metal with a suitable screw cap opening, fitted with a gasket so as to make the tank tight and the tank kept free from leaks; the gasoline or naphtha shall be fed from a tank to the carburetor or mixer by metal tubes securely connected so as to reduce the possibility of leaks to a minimum; the exhaust from the engine, when discharged in the mine, must not contain more than 12 volumes of carbon dioxide and 1 volume of carbon monoxide to 10,000 volumes of air. At no time shall there be more than two days' supply of gasoline or naphtha in the supply tanks; at no time shall more than one day's supply of same be taken into the mine at any one time and at no time shall there be more than two days' supply in the mine; including that in the supply tank. No gasoline or naphtha shall be taken into the mine except in metallic cans, with a screw cap opening at the top, fitted with a suitable gasket; no package or can or the supply tank of an engine, containing gasoline or naphtha shall be opened until ready to make the transfer from the package or can to the supply tank, and in transferring, a funnel shall be used so as to avoid spilling the gasoline or naphtha, and the cap on the supply tank shall be immediately closed; in no case shall the package, can, or the supply tank, be opened with any open light or other thing containing fire within twenty-five feet of the same.

Use of gasoline and naphtha.

SEC. 75. The oiling or greasing of cars inside of coal mines is strictly forbidden, unless the place where said oil or grease is used is kept reasonably clean. Not more than one barrel of lubricating oil shall be permitted in the mine at any one time. No explosive oil shall be used or taken into the mines for lighting purposes except when used in approved safety lamps and illuminating oil shall not be stored or taken into mines in quantities exceeding five gallons. Any person using explosive or impure oils in any coal mine contrary to any of the provisions of this act, shall be guilty of a misdemeanor: *Provided*, This does not apply to gasoline used in gasoline engines or pumps, or naphtha, so used.

Oiling cars inside of mines.

Illuminating oils.

SEC. 76. It shall be unlawful for any workman to fire a blast without first notifying all persons in the immediate working places of that entry, and without giving sufficient alarm so that any person or persons approaching shall be warned of danger.

Notice before firing blasts.

SEC. 77. It shall be unlawful for any miner to charge any hole for blasting coal before the hole has been thoroughly cleaned of dust by suitable scraper. It shall be unlawful for any miner to tamp any blasting hole with coal or other inflammable material and it shall be the duty of the owner, operator or lessee of any

Charging and tamping holes.

coal mine wherein clay or other noninflammable material suitable for use in tamping in preparing shots can not be readily obtained to provide and deposit within said mine such material in each working heading, and such miner shall keep a sufficient quantity of clay or other noninflammable material convenient to his working place, and in case he has not the necessary supply of clay or other noninflammable material for tamping purposes he shall not charge any blasting hole until the same has been prepared.

- Times for firing.** SEC. 78. At a coal mine where the firing of shots is restricted to specific times, it shall be unlawful for any miner to fire a shot until the time appointed for him to do so, and then only in such rotation as designated.
- Consent of foreman to be secured, when.** SEC. 79. It shall be unlawful for any miner, shot firer or workman to fire a blast in any working place which is likely to generate sudden volumes of fire damp, or where locked safety lamps are used, except with the consent of the mine foreman, or other competent person designated by the mine foreman for that purpose.
- Shortening matches, etc.** SEC. 80. A miner, workman or shot firer who is about to explode a shot with a manufactured squib, shall not shorten the match thereof or saturate with oil or ignite it except at the end; and he shall see that all persons are out of danger from the probable effects of such shots, and whether using squibs or fuse shall take measures to prevent anyone approaching by shouting "fire" immediately before lighting the same.
- Warning.**
- Length of fuse.** SEC. 81. It shall be unlawful for any miner, workman or shot firer to explode any shot with a fuse of insufficient length to project from the hole, when the cartridge is at the back of the hole, and in no case less than three feet or to fire any shot which is not tamped the full length of the hole.
- Returning to missed shots.** SEC. 82. No person shall return to a missed shot, if lighted with a squib until five minutes have elapsed from the time of lighting the same, or if lighted with fuse, until the following day; and no person shall return to a missed shot when the firing is done by electricity unless the wires are disconnected from the battery or power line.
- Opening powder boxes, etc.** SEC. 83. Whenever a workman is about to open a box or can containing powder or other explosive, and while handling the same, he shall place his lamp at least five feet distant from said explosive, and in such position that the air current cannot convey sparks to it, and no person shall knowingly approach nearer than ten feet to any open box containing an open can of powder or other explosive with a lighted lamp, lighted pipe, or other thing containing fire. No miner, workman, or other person shall open any keg, can or other container of blasting powder with any pick, wedge, tool or in any manner except by the means of opening of the same provided by the manufacturer thereof, and it shall be unlawful, and a violation of this act, for any person to have in his possession in any mine any can or other container of blasting powder containing blasting powder, which has been opened in violation of this act.
- Powder in mines.** SEC. 84. Every person who has powder or other explosive in a coal mine shall keep same in a wooden box securely locked, with hinged lid, and said box shall be kept as far as practicable from the track; and said powder boxes shall be kept as far as practicable from each other and each in a secluded place, nor shall any explosive be kept nearer than 100 feet to any working place. All black powder or other loose blasting material shall be carried into the mine by the miner in a proper receptacle with a securely fastened top.
- Storage, etc., of powder.** SEC. 85. No blasting powder or other explosives shall be stored in any coal mine and no workman shall have at any time more than the supply allowed by the rules and regulations of the mine, and in no case shall more than one kind of explosives be used in any one drill hole: *Provided*, That nothing in this section shall be construed to prevent the operator from taking into the mine, under proper precautions, a sufficient quantity of explosives for

the reasonable requirements of such mine for the next succeeding working day.

SEC. 86. It shall be unlawful for any person to take or have in his possession or under his control within any coal mine, any explosive not permitted in the mine by the rules of said mine. Prohibited explosives.

SEC. 87. No stocks of blasting powder and explosive materials shall be kept for storage in a wooden structure. Wooden storage rooms.

SEC. 88. It shall be unlawful for any person to take or have in his possession or under his control within any coal mine in the State of Alabama, any dynamite, or any other explosive which may be prohibited by the rules and regulations of said mine from being in said mine, unless such person shall first have the written consent of the mine foreman or other person in charge of the operation of said mine, which said consent in writing shall set forth the use for which any such dynamite or other prohibited explosives may be particularly intended. Dynamite, etc.

SEC. 89. The owner or operator of each coal mine, at which the miners are paid by weight, shall provide such mines with suitable scales of standard make for the weighing of all coal, when contracted for to be weighed. Scales.

SEC. 90. All coal mined in this State, contracted for payment by the ton or other weight shall be weighed, and the full weight thereof shall be credited to the miner of such coal, and two thousand pounds of coal shall constitute a ton. Ton.

SEC. 91. In all coal mines, the miners employed and working therein may furnish a checkweighman, who shall, at proper times, have full access and examination of the scales, and see all measures and weights and accounts kept of same: *Provided*, That not more than one person shall have such right of access, examination and inspection of scales, measures and accounts at the same time. Checkweighmen.

SEC. 92. The mine inspector, miners employed in the coal mines and the owner of the land or persons interested in the rental and royalty of such mines, shall at all times have full right of access to scales used at said mines, including tally sheets or tally book in which the weight of coal is kept, to examine the amount of coal mined, for the purpose of testing the accuracy thereof. Who may have access to scales.

SEC. 93. It shall be the duty of the owner, operator or lessee or superintendent of each coal mine to keep at or near the mouth of the mine, or at such other place about or in the mine as shall be designated by the chief mine inspector, a stretcher, properly constructed, and so arranged that it may be carried on top of the mine car without slipping, and a woolen and waterproof blanket in good condition, for use in carrying away any person who may be injured at the mines; and where more than 100 men are employed two stretchers and two woolen and waterproof blankets shall be kept at or in mines generating fire damp. A sufficient quantity of linseed oil, olive oil or sterilized sweet oil kept in close packages, and also carbolyzed vasoline, bandages, and linen shall be kept in the store at the mines or at such other place as would be convenient to the mines for use in emergencies and bandages shall be kept at all times. Stretchers, etc., to be kept at mines.

SEC. 94. Any building, erected after the passage of this act, for the purpose of housing the hoisting engine or boilers at any shaft, shall be substantially fireproof and no boiler house shall be nearer than sixty feet to the main shaft, or opening, or to any inflammable structure connected therewith. Engine houses.

SEC. 95. After the passage of this act, it shall be unlawful to place a main or principal ventilating fan inside of any coal mine. Main ventilating fans.

SEC. 96. The owner, operator, lessee or agent of a coal mine at which the live stock is kept underground, shall observe the following: The stable or stalls shall be separated from the main inlet and main outlet air courses by not less than twenty feet of solid strata or a solid wall of brick masonry not less than twelve inches in thickness, except at two doors not more than five feet wide, which shall be made of steel plate not less than one-quarter of an inch in thickness and hinged to the solid strata or masonry without Underground stables.

the use of wood; the ventilation for the stable shall be taken from the main inlet air courses by a by-pass or separate split and returned to the main outlet air course so that the air passing the stables will not enter the inward working places of the mine, and arranged so that the by-pass or split can readily be closed at both inlet and outlet sides of the stable by steel doors described above; the construction of the stable inside shall be free from pine or light lumber; shall be of brick masonry as much as practicable, and any timber used shall be of hardwood of a cross section not less than three by six inches; no hay or straw shall be taken into the mine or stable unless the same be compressed into compact bales, and then only from time to time in such quantity as will be required for two days' use; no greater quantity of hay or straw shall be stored in the mine or stable, and when such is taken into the mine it shall be taken inside the stable at once; the lights used inside the stable shall be incandescent electric lamps, placed so that the same will not be injured by the stock or persons required to enter the stable, or lanterns of railroad type suitable for using lard or signal oil, and only such oil shall be used therein; all refuse and waste shall promptly be removed from the stable and mine and shall not be allowed to accumulate. Stables constructed underground, after the passage and approval of this act shall be located not nearer than one hundred and fifty feet of any opening to the mines used as a means of ingress and egress.

Hay and  
straw.

Lighted pipes,  
etc., in stables.

SEC. 97. It shall be unlawful for any person to take a lighted pipe or other thing containing fire, except lanterns as provided for in the preceding section into any stable in any coal mine in this State.

Who may ride  
on cars.

SEC. 98. No person, or persons, except those in charge of trips, superintendents, mine foremen, electricians, machinists and blacksmiths and others, when required by their duty shall ride on haulage trips, except a special trip of empty cars may be operated for the purpose of taking employees into and out of the mine, when the distance to and from their work exceeds one mile. No person, excepting trip riders, shall ride on loaded car or cars, and they shall ride only the front or rear end of the trip.

Traveling on  
foot, on planes,  
etc.

SEC. 99. No other person shall be allowed to travel on foot to or from his work on any incline plane, rope or locomotive roads, when other roads are provided for that purpose. \* \* \*

In installation,  
etc., of electrical  
apparatus.

SEC. 100. Rule 1. Electrical pressure or voltage referred to in these regulations is understood to mean that measured on all apparatus wires and cables installed and used underground. It not only applies to voltages measured between terminals, conductors, etc., but also to the voltage measured between any one conductor, terminal, etc., and the earth. Rule 2. Three systems of voltages are described as follows: Class 1. Low. 300 volts direct current, or 240 volts alternating current or less. Class 2. Med. Between 300 volts and 600 volts direct current, or 240 volts and 480 volts alternating current. Class 3. High. 600 volts direct current or 480 volts alternating current and higher. Rule 3. No apparatus or conductors carrying a voltage within class three shall be allowed in or about working places. Rule 4. Portable apparatus using a voltage of class three are prohibited. Rule 5. Electrical equipments installed after this date shall not use any voltage higher than that in class one in or about working places. This does not prohibit the use of voltages defined in classes two and three (except in or about working places) provided such apparatus is installed and maintained according to these regulations. Rule 6. Power circuits entering the mine must be protected against lightning by lightning arresters at all points of entrance to the mines. Rule 7. The three wire double voltage system having a maximum voltage within class two may be used provided the neutral is effectively grounded and the maximum voltage between any conductor and the earth complies with these requirements. Rule 8. The regulations covering the installation and maintenance of conductors do not apply to the grounded or re-

turn conductor or any grounded system. Rule 9. Trolley wires are prohibited in any part of the mine where safety lamps are used. Rule 10. Series arc and incandescent systems of class three shall not be used. Rule 11. Conductors in shafts and slopes used as traveling ways and in escape ways shall be protected. Rule 12. Conductors of voltage of class three shall be reasonably protected against mechanical injury and be adequately insulated to minimize the danger of fire and shock. Such conductors shall not be used where they can not be made to comply with these regulations. Rule 13. All trolley wires carrying a voltage of class two must be properly shielded except where the same are at least 6½ feet above top of rail. Rule 14. Signal wires shall be run at a safe distance and where possible placed on side of slope or heading away from other circuits. Rule 15. A separate or independent circuit shall be provided for shot firing, where done by electricity from the outside. A switch above the surface controlling all the shot firing circuits must be kept in a locked box, accessible only to the authorized shot firers, and switch not closed except to fire shots after which it must be opened and locked opened. Rule 16. All shot firing switches shall be kept open until immediately before the shots are fired. After the shots are fired, the switches must be locked in open position. Rule 17. No lighting on power circuits in the mines shall be used for firing shots except in sinking shafts or rock slopes, and then only when a special switch for such firing circuit is provided and fixed in a locked box accessible only to the authorized shot firers. Rule 18. Shot-firing wires, shall, where possible, be put on the side of the heading or slope away from power and lighting circuits. Rule 19. Where this system is used a suitable means of disconnecting wiring in working places shall be provided, and kept open at all times, when miner is working in his place. Rule 20. Oil switches only shall be used for voltages of class three. Rule 21. Any unusual arcing, sparking, or heating of any of the electrical equipment shall be reported at once to the proper mine officer by the attendant or any other person having knowledge of same.

SEC. 101. No person shall erase or change a mark or reference or monument made in connection with measurements; change the checks on cars; wrongfully check a car, or do any act with reference thereto with the intent to defraud. Erasure of marks, etc.

SEC. 102. Any employee, or other person, who shall willfully deface, pull down or destroy any notice board, danger signal, general or special rules or mining laws, shall be guilty of a misdemeanor. Defacing or removing danger signals, etc.

SEC. 103. All persons are forbidden to meddle or tamper in any way with any electric or signal wires in or about the mines. Tampering with electric wires.

SEC. 104. Persons not employees of a coal mine shall not enter such mine unless the consent of the operator or his authorized representative has been secured and shall not stand on the tracks or go near the machinery or other place of danger. Persons not employees.

SEC. 106. Whoever shall, while under the influence of intoxicating liquor, enter any coal mine, or any of the buildings connected with the operation of the same, within this State, where miners or other workmen are employed, or whoever, shall carry intoxicating liquors into the same, shall be deemed guilty of an offense against this act, and upon conviction shall be punished accordingly. Intoxicated persons and intoxicants.

SEC. 107. On and after the passage of this act any coal mine superintendent, mine foreman, or assistant mine foreman, or any other person or persons, who shall receive or solicit any sum of money, or other valuable consideration, from any of his or their employees for the purpose of continuing in his or their employ, or for the purpose of procuring employment, or procuring or keeping working places shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than fifty dollars, Foremen, etc., accepting fees for employment.

nor more than three hundred dollars, and shall be sentenced at hard labor for the county for not less than six months.

Women and children.

SEC. 108. No woman of any age or boy under the age of fourteen shall be employed to work or labor in or about any coal mine in this State.

Abstract of law and rules to be posted.

SEC. 109. For the purpose of making known the rules and provisions of this law to all persons employed in or about coal mines, to which this law applies, an abstract of the law and rules shall be furnished by the chief mine inspector and posted up in legible characters in some conspicuous place or places at or near the mines where they may be conveniently read by the persons employed, and so often as they become obliterated or destroyed, the owner, operator, lessee or superintendent, shall cause them to be renewed with all reasonable dispatch. Any person who pulls down, injures, or defaces such abstract of the law or rules when up in pursuance of the provisions of this chapter, shall be guilty of an offense against the law. The mine rules and regulations so posted shall limit and govern the amount and kind of explosives used in said mine.

Penalties.

SEC. 110. Any willful neglect or refusal or failure to do the things required to be done by any section, clause or provision of this act, on the part of the person, or persons, herein required to do them, or any willful violation of any of the provisions or requirements hereof, or any willful attempt to obstruct or interfere with any inspectors in the discharge of the duties herein imposed upon him, shall be deemed a misdemeanor, and unless herein otherwise provided punishable by a fine of not less than five dollars or more than five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, one or both, at the discretion of the court: *Provided*, That in addition to the above penalties, in case of the failure of any operator to comply with the provisions of this act in relation to the sinking of escapement shafts and the ventilation of mines, the State's attorney for the county in which such failure occurs shall proceed against such operator by injunction without bond, to restrain him from continuing to operate such mine until such legal requirements shall have been fully complied with.

Person includes corporations, etc.

SEC. 110½. The word person wheresoever used in this act shall include corporation[,] association[,] co-partnership or firm as well as an actual person.

Approved April 18, 1911.

*Employment of children—Inspection of factories and workshops.*

(Page 546.)

Unlawful employment.

SECTION 1. Section 8 of an act to regulate the employment of child labor [Acts of 1909, page 158] is hereby amended so as to read as follows: Any person, firm or corporation who violates any of the provisions of this chapter or who knowingly permits any child to be employed, or detained in, or be in, or about his, their, or its mills, factory or manufacturing establishment, contrary to the provisions of this chapter, or who shall fail or refuse to furnish the inspector the necessary information upon all such matters as he is required to report upon, and, all such other information as is necessary with reference to the keeping of records in the office of the said inspector, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for each offense.

Refusing information.

Penalty.

Who may inspect.

[Section 11 of the same act is amended so as to charge the State prison inspector, in person or by his chief clerk or deputy inspectors, with the duty of inspecting mills, factories, and manufacturing establishments wherein women and children work, instead of the inspector of jails and almshouses only, as in the original act.]

Approved April 21, 1911.

*Mine regulations—Oil for lamps.*

(Page 568.)

**SECTION 1.** All oils or other material for illuminating purposes in mines in this State, except when used in safety lamps, or except when used by the permission of the chief mine inspector, or one of his associates, in mines under conditions where the oil herein specified will not burn, shall be nonexplosive and free from odors or fumes that are deleterious to health and shall have a burning point of not lower than three hundred degrees Fahrenheit [Fahrenheit] when tested in a Tagliabue open cup and which must not produce any more smoke than is produced by the burning of pure summer yellow cotton seed oil when burned under the same conditions. Oils to be nonexplosive.

**SEC. 2.** All barrels or other vessels or packages containing illuminants that are manufactured for use in mines shall be branded or labeled with the name of the manufacturer, the date of shipment or delivery and date of inspection. Containers to be marked.

**SEC. 3.** It shall be the duty of the chief mine inspector, or one of his associates, to inspect before sale by the manufacturer all material sold for illuminating purposes in mines in this State for the purpose of ascertaining whether the same conforms to the provisions of section one of this act. If such material shall be found upon inspection to conform to the requirements of said section the person making such inspection shall affix or attach to the barrel, vessel or package containing such material a certificate substantially as follows: "This is to certify that I have this — day of — inspected the material contained in this vessel and find that same complies with the laws governing the sale of illuminants for use in mines in the State of Alabama." (Signed) —, inspector. If, however, he shall find that such material does not conform to the requirements of said section he shall condemn such material for use as an illuminant in mines and shall affix or attach to the barrel, vessel or package containing said material a certificate substantially as follows: "This is to certify that I have this the — day of — inspected the material contained in this vessel and find that the same does not meet the requirements of the law governing the sale of illuminants for use in the mines in the State of Alabama and is therefore prohibited for sale or use for such purpose." (Signed) —, inspector. And thereafter it shall be unlawful to sell the material so condemned for illuminating purposes in any mine in this State, or to use the same therein until it is made by the manufacturer to conform to the requirements of section one of this act. Inspection.

**SEC. 4.** Any person or corporation who shall knowingly sell or offer for sale for use in open lamps in any mine in this State any oil or other material that does not conform to the requirements of the first section of this act, or that has not been inspected and certified as complying with the laws of this State, as above provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars, nor more than one thousand dollars, and any person so convicted may be also sentenced to hard labor for not less than thirty days nor more than twelve months within the discretion of the court. Sale of oil in violation of statute.

**SEC. 5.** Any miner or other person who shall knowingly use and any mine foreman who shall knowingly permit to be used, any oil or other material for illuminating purposes in any mine in this State that does not conform to the requirements of the first section of this act, or that has not been inspected and certified as complying with the laws of this State as above provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars, and he may also be sentenced to hard labor for not less than thirty days nor more than twelve months within the discretion of the court. Use of oil in violation of statute.

- County in-  
spector. SEC. 6. Where there is in any county of this State an inspector of oil, or other material to be used for illuminating purposes in mines appointed under any local act, then and until the first day of March, 1913, the inspection herein provided for shall be made by such inspector, and not by the chief mine inspector or his associates; but after said date such inspection shall be made by the chief mine inspector, or his associates as herein provided: *Provided, however,* That such local inspector shall only inspect such oils or other material when sold for use in his county.
- Repeal.  
Effective when. SEC. 8. All laws, general, local or special in conflict with this act are hereby repealed: *Provided,* That such repeal of any local or special act shall not take effect or become operative until the first day of March, 1913.
- Approved April 21, 1911.

## ARKANSAS.

## ACTS OF 1911.

ACT No. 19.—*Employers to furnish names of employees to assessors, etc.*

- Law extend-  
ed. [This act amends section 5355 of Kirby's Digest by making the section applicable to all employers instead of only those operating mills, mines, or manufacturing enterprises.]
- Approved February 7, 1911..

ACT No. 23.—*Safety appliances on railroads—Switch lights.*

- S w i t c h  
lights required. SECTION 1. Any company, corporation or officer of court or any person or persons operating any line of railroad during the night time in this State, shall be required to place and maintain sufficient lights during the nighttime on all its main line switches, of the line of railroad so operated, and, of the color green indicating main line and red to indicate side tracks.
- Approved February 10, 1911.

ACT No. 34.—*Assignments of wages.*

- Employer to  
accept. SECTION 1. No assignment or order for wages to be earned in the future to secure a loan of less than two hundred dollars, shall be valid against any employer of the person making 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 or the State where he is employed.
- Filing.
- Wife's con-  
sent. SEC. 2. No assignment of 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.
- Approved February 20, 1911.

ACT No. 88.—*Liability of railroad companies for injuries to employees.*

- Acts of fel-  
low servants. SECTION 1. Every common carrier by railroad in this State, shall be liable for all damages to any person suffering injury while he is employed by such carrier, or, in case of the death of such employee, to his or her personal or legal representative, for the benefit of the surviving widow or husband and children of such employee; if none, then to such employee's parents; if none, then to the next of kin of such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any

insufficiency of clearance of obstructions, of strength of road-bed and tracks or structures, or machinery and equipment, of lights and signals in switching and terminal yards, or rules and regulations and of number of employees to perform the particular duties with safety to themselves and their coemployees, or of any other insufficiency; or by reason of any defect, which defect is due to its negligence in its cars, engines, motors, appliances, machinery, track, roadbed, boats, works, wharves or other equipment.

Defects, rules, etc.

Sec. 2. If the employee of any such common carrier shall receive any injury or shall be killed by reason of any defect in any car or cars, engines, motors, appliances, machinery, track, roadbed, works, wharves, or other equipment owned, operated or used by such common carrier, such common carrier shall be deemed to have had knowledge of such defect before and at the time such injury is sustained or death caused, and when the fact of such defect shall be made to appear in the trial of any action in the courts of this State brought by such employee or his or her personal or legal representative against any such common carrier for damages on account of such injuries so received or death so caused, the same shall be prima facie evidence of negligence on the part of such common carrier.

Employer's knowledge assumed.

Sec. 3. In all rights of action hereafter arising within or by virtue of this act or any provision of the same for personal injury to an employee, or where such an injury has resulted in his death, the fact that an employee may have been guilty of contributory negligence shall not bar a recovery: *Provided*, That the negligence of such employee was of a lesser degree than the negligence of such common carrier, its officers, agents or employees: *Provided, further*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier, its officials, agents or employees, of any law enacted for the safety of employees or persons contributed to the injury or death of such employee, and such employee shall not be held to have assumed the risk of his employment in any action arising out of any of the provisions of this act.

Comparative negligence.

Violation of safety laws.

Sec. 4. The words "common carrier by railroad," or "common carrier" as used in this act, shall be taken to embrace any company, association, corporation, or person, managing, maintaining, operating, or in possession of a common carrier operating upon rails or tracks in whole or in part within this State, whether as owner, contractor, lessee, mortgagee, trustee, assignee or receiver.

Definition.

Sec. 5. No contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit, or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries, to, or death of such employees: *Provided, however*, That upon the trial of such action, the defendant may set-off therein any sum it has contributed toward any such insurance, relief benefit or indemnity that may have been paid to the injured employee, or, in case of death, to his personal or legal representative.

Waivers.

Offsets.

Sec. 6. Nothing in this act shall be held to limit the duty of common carriers by railroad, or impair the rights of their employees in the existing laws of the State.

Construction of statute.

Approved March 8, 1911.

ACT No. 166.—*Bonds of employees of railroad companies.*

SECTION 1. No common carrier authorized to do business in this State, when requiring of an employee that he give it a bond or undertaking of any nature whatsoever, shall require such employee to have such bond or undertaking executed, as surety by any particular person, company, corporation, association, or firm, or by any [one] or more of any number of such persons, com-

Freedom to choose company.

panies, corporations, associations or firms named by such common carrier; and no such common carrier shall reject any such bond or undertaking for any reason other than the financial insufficiency of such bond or undertaking.

**Nonresident bondsmen.** Sec. 2. No common carrier authorized to do business in this State, when requiring of an employee that he give a bond or undertaking of any nature whatsoever, shall require as surety thereon any person not a resident of this State; nor shall any such common carrier accept as such surety any company, corporation or association unless the same is a corporation duly organized under the laws of the State of Arkansas, or who shall have designated an agent residing within this State upon whom service of legal process against it may be had as provided by law for foreign corporations doing business in this State, and shall also have in this State a general office, [where] it shall require that every such bond or undertaking shall be approved, if approved, and cancelled, if cancelled, and where a complete record thereof shall be kept.

**Bonds to be for fixed term.** Sec. 3. Every bond or undertaking of any nature whatsoever given by an employee of any common carrier authorized to do business in this State shall be made to cover a definite term,

**Cancellation.** and no such bond or undertaking shall be cancelled without the consent of all parties thereto, except for a breach of one or more of the conditions thereof. Any such employee who shall have given any such bond or undertaking, shall, upon the breach of any of the conditions thereof by the other party or parties thereto, have the power to cancel the same by giving the surety or sureties thereon and the common carrier for the benefit of whom the same shall have been made at least ten days' notice in writing, setting out in full the reason for cancelling the same, said notice to be signed by such employee and sworn to by him in this State before any officer authorized to administer oaths. Any such notice to a company, corporation or association may be served by leaving the same with any person upon whom service of legal process upon such company, corporation or association may be had. Any surety or any such bond or undertaking, shall, upon the breach of any of the conditions thereof by the common carrier employee for whom the same shall have been made, have power to cancel the same by giving such employees at least ten days' notice in writing setting out in full the reasons for cancelling the same, the said notice to be signed by an agent or manager of such surety, then a resident of this State and then authorized to approve or disapprove similar bonds or undertakings for such surety, and to be sworn to by the person signing the same in this State before an officer authorized to administer oaths: *Provided*, That nothing therein shall affect any right of action accruing to any person upon the breach of a contract.

Approved April 7, 1911.

ACT No. 231.—*Employment of children—School attendance.*

**School attendance required.** SECTION 1. Every parent, guardian or other person in the State of Arkansas, having charge and control of any child between the ages of (8) and (16) years, shall cause such child to attend regularly some day school, public, private, parochial or parish [school], not less than one-half of the entire time the public school said child attends [is] in session during any one year, or shall provide such child at home with such regularly [regular] daily instruction during the usual hours as shall be in the judgment of court or school board having competent jurisdiction, substantially equivalent to at least the instructions given the children of like age and advancement at the day public school in the locality in which said child resides: *Provided*, That every parent, guardian

**Unemployed children.** or other person in the State of Arkansas, having charge and control of any child between the ages of sixteen and twenty years, who is not actively and regularly and lawfully engaged in some useful employment or service, shall cause said child to

attend school as hereinbefore provided for children from eight to sixteen years.

SEC. 2. Any child between the ages aforesaid may be excused temporarily from complying with the provisions of this act in whole or in part, if it be shown to the court of competent jurisdiction, or school board of said district \* \* \* that the labor of said child is absolutely necessary for the support of the family, or that said child has completed a common-school course including seven (7) grades, and has certificate of same from the school said child attended. \* \* \*

Exceptions.

SEC. 3. The board having charge of a public school in a city or district shall appoint for a period of one year, one or more attendance officers to enforce the provisions of this act. \* \* \* The attendance officer \* \* \* shall have the right to visit and enter any office or factory or business house employing children as aforesaid; \* \* \*

Enforcement.

SEC. 7. \* \* \* *Provided*, The following counties shall be exempted from the provisions of this act: Baxter, Cleburne, Polk, Madison, Franklin, Jefferson, Sebastian, Yell, Independence, Scott, Drew, Little River, Lonoke, Woodruff, Boone, Bradley, Calhoun, Desha, Lafayette, Lincoln, Marion, Monroe, Phillips, Ashley, Dallas, Columbia, Montgomery, Chicot, Hot Spring, Saline, St. Francis, Benton, Lee, Ouachita, Pope, Union, Crittenden, Pulaski, Prairie, Hempstead, Howard.

Counties excepted.

Approved May 28, 1911.

ACT No. 261.—*Safety appliances on railroads—Blocking frogs.*

SECTION 1. Any company owning or operating any railroad in this State, shall be required to place and maintain blocks of a sufficient size in all its frogs and guardrails to prevent employees from getting their feet caught therein.

Blocking required.

Approved May 10, 1911.

ACT No. 285.—*Examination and licensing of plumbers.*

SECTION 1. Any person now or hereafter engaging in or working at the business of plumbing in cities of the first and second classes of this State either as a journeyman plumber or as a master plumber working in the capacity of a journeyman plumber or any person installing or placing any plumbing, fixtures or material, shall first receive a certificate in accordance with the provisions of this act.

Certificate required.

SEC. 2. Within ninety days after this act becomes a law, and thereafter, all persons engaging in or working at the business of plumbing in this State, either as journeyman plumber, or as a master plumber working in the capacity of a journeyman plumber, or any person installing or placing plumbing fixtures or material, shall make application to the board of examiners hereinafter provided for, and shall at such time and place as the board may designate, be required to pass such examination as to his qualification and competency as a plumber, as the board may prescribe. The examination shall be of such a character as to thoroughly test the applicant's ability both practically and theoretically.

Examination.

SEC. 3. There shall be in every city of the first and second classes in this State, a board of examiners of plumbers consisting of four members, two of whom shall be master plumbers and [and] two journeyman plumbers. Said board shall be appointed by the mayor and approved by the city council, of said city, within ninety days after the passage of this law, for the term of two years from the first of May of the year of appointment, and thereafter biennially before the first of May, and shall be paid from the treasury of said city the same as other officers in such sums as the authorities may designate but in no case shall the salaries or fees of the aforesaid board exceed fifty per cent of the fees collected for examinations as hereinafter provided for. No person shall be eligible as a member of this board who has not served a regular apprenticeship and worked as a practical journeyman for a period of five years or more.

Boards.

**Members to be citizens.** SEC. 4. All members of such board shall be citizens and actual residents of the cities in which they act.

**Duties of boards.** SEC. 5. The board of examiners of plumbers shall within twenty days after their appointment meet and shall then designate the time and place of the examination of all applicants for plumbers' certificates within their respective jurisdiction. Said board shall examine all applicants as to their knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of such applicants, shall thereupon issue a certificate to such applicant authorizing him to work at the business of plumbing, and to place and install plumbing fixtures and material and it shall be unlawful for any person to work in the capacity of a journeyman plumber or to install plumbing fixtures or material unless he shall have first obtained a certificate of competency. The board shall keep and preserve a record of all persons examined by them and to whom a certificate of qualification has been issued.

**Renewals.** All certificates of qualification issued under the provisions of this act must be renewed by the holders thereof every five years but upon renewal no examination shall be required. For each certificate or renewal of a certificate the board shall collect five dollars to be paid into the treasury of the city in which said board acts. Applicant for renewal must be actively engaged in the business of plumbing at the time he applies for renewal of certificate.  
Approved May 26, 1911.

ACT No. 418.—*Railroads—Construction, etc., of caboose cars.*

**Scope of law.** SECTION 1. The provisions of this act shall apply to any corporation or to any person or persons while engaged as common carriers in the transportation by railroad of passengers or property, within this State to which the regulative power of this State extends.

**Dimensions, equipment, etc.** SEC. 2. From and after the first day of January, 1913, it shall be unlawful, except as otherwise provided in this act, for any such common carrier by railroad to use on its lines any caboose or other car used for like purposes unless such caboose or other car shall be at least twenty-four feet in length inclusive of the platform and equipped with two four-wheel trucks and said caboose car or other car shall be of constructive length [strength] equal to that of the thirty-ton capacity freight cars constructed according to M. C. B. standards and shall be provided with a door in each end thereof, and, an outside platform across each end of said car; each platform shall not be less than twenty-four inches in width and shall be equipped with proper guardrails, and with grab irons and steps for the safety of persons getting on and off said cars. Said steps shall be equipped with a suitable rod, board or other guards at each end and at the back thereof properly designed to prevent slipping from said step. Said caboose shall be not less than 7 feet in height, with cupola, and necessary closets and windows.

**M a k i n g changes.** SEC. 3. Whenever any such caboose car or other cars now in use by such common carrier as provided by section 1 herein, shall, after this act goes into effect, be brought into any shop for general repairs, it shall be unlawful to again put the same into the service of such common carrier within this State, unless it be equipped as provided in section 2 of this act.

Approved May 31, 1911.

ACT No. 472.—*Commissioner of health—Sanitation of factories, etc.*

**Inspection.** SECTION 8. The commissioner [of health] shall have power and authority to investigate the sanitary conditions of schools, mills, mines, railroads, \* \* \* and to prescribe and enforce such measures of sanitation of them as may be deemed advisable.  
\* \* \*

Approved June 2, 1911.

CALIFORNIA.

ACTS OF 1911.

CHAPTER 20.—*Railroad commission—Accidents on railroads.*

SECTION 22. It is hereby made the duty of the [State railroad] commission to see that the provisions of this act, and all laws of this State concerning railroad and other transportation companies, are enforced and obeyed, and that violations thereof are promptly prosecuted, and penalties due the State therefor, recovered and collected, and to this end, it may sue in its own name to correct any abuses or collect any penalties due the State of California.

Laws to be enforced.

The commission shall investigate the cause of all accidents on any railroad within this State which result in loss of life or injury to persons or property, and which in its judgment shall require investigation. Every railroad and other transportation company is hereby required to give immediate notice to the commission of every accident happening upon any line owned, operated, controlled or leased by it in such manner as the commission may direct.

Investigation of accidents.

Reports.

\* \* \* \* \*

Approved February 9, 1911.

CHAPTER 21.—*Commissioner of labor—Term of office.*

[This is an amendment making the term of the commissioner of labor dependent on the pleasure of the governor, instead of being for four years as formerly.]

Term not fixed.

Approved February 13, 1911.

CHAPTER 49.—*Railroads—Minimum crew—Qualifications.*

SECTION 1. It shall be unlawful for any common carrier by railroad in the State of California operating more than four trains each way per day of twenty-four hours on any main track or branch line of railroad within this State to run, or permit to be run, any passenger, mail, or express train propelled or drawn by steam locomotive that has not at least the following named employees thereon: One engineer, one fireman, one conductor, one brakeman, one baggageman: *Provided*, That on any such train upon which baggage is not hauled a baggageman need not be employed: *Provided, further*, That on any such train where four passenger coaches or cars exclusive of railroad officers' private cars, or more than four passenger coaches or cars are hauled, two brakemen instead of one shall be employed.

Law applies, when.

Crews for passenger trains;

SEC. 2. It shall be unlawful for any such common carrier to run, or permit to be run, any freight or work train propelled or drawn by steam locomotive that has not at least the following named employees thereon: One engineer, one fireman, one conductor, two brakemen: *Provided*, That on any such freight or work train composed of fifty cars or more, three brakemen instead of two shall be employed.

Freight trains;

SEC. 3. It shall be unlawful for any such common carrier to run or permit to be run any train propelled or drawn by steam locomotive other than those trains described in section 1 and section 2 of this act, that have not at least the following named employees thereon: One engineer, one fireman, one conductor, and one brakeman: *Provided*, That nothing in this section contained shall apply to an engine or engines without cars; nor to any relief train or wrecking train in any case where a sufficient number of employees to comply with this section are not available for service on such relief or wrecking train.

Other trains.

SEC. 4. It shall be unlawful for any such common carrier to employ any person as a steam locomotive engineer who shall not

Qualifications.

have had at least two years' actual service as a steam locomotive fireman, or one year of actual service as a steam locomotive engineer, or to employ any person as a conductor who shall not have had at least two years of actual service as a railroad brakeman, or one year at actual service as a railroad conductor, or to employ any person as a brakeman who shall not have passed the regular examination required by transcontinental railroad: *Provided*, That nothing in this section contained shall apply to the running or operating of steam locomotives to or from trains at divisional terminals by hostlers or to the running or operating of steam locomotives to and from engine houses or to the doing of work on steam locomotives at shops and engine houses.

**Violations.** SEC. 5. Any violation of this act shall be deemed a misdemeanor, and shall be punished, upon conviction, by fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment.

**Strikes, etc.** SEC. 6. Nothing in this act contained shall apply to the operation of any train by common carriers during times of strikes or walkouts, participated in by any of the hereinbefore mentioned employees of such common carrier.

Approved February 20, 1911.

CHAPTER 92.—*Payment of wages in scrip.*

**Orders, etc., to be negotiable.** SECTION. 1. No person, firm, or corporation engaged in any business or enterprise within this State shall issue, in payment of or as an evidence of indebtedness for wages due an employee, any order, check, memorandum or other acknowledgement 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: *Provided, however*, That the provisions of this act shall not apply to counties, cities and counties, municipal corporations, quasi municipal corporations, or school districts organized and existing under the laws of this State.

**Violation.** SEC. 2. Any person, firm, or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Approved March 1, 1911.

CHAPTER 258.—*Employment of women—Hours of labor—Seats.*

**Eight-hour day.** SECTION 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in this State more than eight hours during any one day or more than forty-eight hours in one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than eight hours during the twenty-four hours of one day, or forty-eight 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 the harvesting, curing, canning or drying of any variety of perishable fruit or vegetables.

**Exceptions.** SEC. 2. Every employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or other establishment employing any female, shall provide suitable seats for all female employees, and shall permit them to use such seats when they are not engaged in the active duties of their employment.

**Seats.** SEC. 2. Every employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or other establishment employing any female, shall provide suitable seats for all female employees, and shall permit them to use such seats when they are not engaged in the active duties of their employment.

**Violations.** SEC. 3. Any employer who shall require any female to work in any of the places mentioned in section one more than the number of hours provided for in this act during any day of twenty-four hours, or who shall fail, neglect, or refuse to so arrange the work of females in his employ so that they shall not work more than

the number of hours provided for in this act during any day of twenty-four hours, or who shall fail, neglect, or refuse to provide suitable seats as provided in section two of this act, or who shall permit or suffer any overseer, superintendent, foreman, or other agent of any 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 each offense not less than fifty dollars nor more than two hundred dollars, or imprisoned in the county jail not less than five nor more than thirty days, or both fined and imprisoned.

Approved March 22, 1911.

CHAPTER 399.—*Compensation for injuries to employees.*

SECTION 1. In any action to recover damages for a personal injury sustained within this State by an employee while engaged in the line of his duty or the course of his employment as such, or for death resulting from personal injury so sustained, in which recovery is sought upon the ground of want of ordinary or reasonable care of the employer, or of any officer, agent or servant of the employer, the fact that such employee may have been guilty of contributory negligence shall not bar a recovery therein where his contributory negligence was slight and that of the employer was gross, in comparison, but the damages may be diminished by the jury in proportion to the amount of negligence attributable to such employee, and it shall be conclusively presumed that such employee was not guilty of contributory negligence in any case where the violation of any statute enacted for the safety of employees contributed to such employee's injury; and it shall not be a defense:

Negligence to be compared.

Defenses abrogated.

(1) That the employee either expressly or impliedly assumed the risk of the hazard complained of.

(2) That the injury or death was caused in whole or in part by the want of ordinary or reasonable care of a fellow servant.

SEC. 2. No contract, rule or regulation, shall exempt the employer from any of the provisions of the preceding section of this act.

Waivers.

SEC. 3. Liability for the compensation hereinafter provided for, in lieu of any other liability whatsoever, shall, without regard to negligence, exist against an employer for any personal injury accidentally sustained by his employees, and for his death if the injury shall approximately cause death, in those cases where the following conditions of compensation concur:

Compensation without regard to negligence.

(1) Where, at the time of the accident, both the employer and employee are subject to the provisions of this act according to the succeeding sections hereof.

(2) Where, at the time of the accident, the employee is performing service growing out of and incidental to his employment and is acting within the line of his duty or course of his employment as such.

(3) Where the injury is approximately caused by accident, either with or without negligence, and is not so caused by the willful misconduct of the employee.

And where such conditions of compensation exist for any personal injury or death, the right to the recovery of such compensation pursuant to the provisions of this act, and acts amendatory thereof, shall be the exclusive remedy against the employer for such injury or death, except that when the injury was caused by the personal gross negligence or willful personal misconduct of the employer, or by reason of his violation of any statute designed for the protection of employees from bodily injury, the employee may, at his option, either claim compensation under this act, or maintain an action for damages therefor; in all other cases the liability of the employer shall be the same as if this and the succeeding sections of this act had not been passed, but shall be subject to the provisions, of the preceding sections of this act.

Remedy exclusive, when.

**Who are employers.** Sec. 4. The following shall constitute employers subject to the provisions of this act within the meaning of the preceding section:

(1) The State, and each county, city and county, city, town, village and school districts and all public corporations, every person, firm, and private corporation, (including any public service corporation) who has any person in service under any contract of hire, express or implied, oral or written, and who, at or prior to the time of the accident to the employee for which compensation under this act may be claimed, shall, in the manner provided in the next section, have elected to become subject to the provisions of this act, and who shall not, at the time of such accident, have withdrawn such election, in the manner provided in the next section.

**Election made, how.** Sec. 5. Such election on the part of the employer shall be made by filing with the industrial accident board, hereinafter provided for a written statement to the effect that he accepts the provisions of this act, the filing of which statement shall operate, within the meaning of section three of this act, to subject such employer to the provisions of this act and all acts amendatory thereof for the term of one year from the date of the filing of such statement, and thereafter, without further act on his part, for successive terms of one year each, unless such employer shall, at least sixty days prior to the expiration of such first or any succeeding year, file in the office of said board a notice in writing to the effect that he withdraws his election to be subject to the provisions of the act.

**Who are employees.** Sec. 6. The term "employee" as used in section three of this act shall be construed to mean:

(1) Every person in the service of the State, or any county, city and county, city, town, village or school district therein, and all public corporations, under any appointment or contract of hire, express or implied, oral or written, except any official of the State, or of any county, city and county, city, town, village or school district therein or any public corporation, who shall have been elected or appointed for a regular term of one or more years, or to complete the unexpired portion of any such regular term.

(2) Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens, and also including minors who are legally permitted to work under the laws of the State, (who, for the purposes of the next section of this act, shall be considered the same and shall have the same power of contracting as adult employees), but not including any person whose employment is but casual and not in the usual course of trade, business, profession or occupation of his employer.

**Who subject to act.** Sec. 7. Any employee as defined in subsection (1) of the preceding section shall be subject to the provisions of this act and of any act amendatory thereof. Any employee as defined in subsection (2) of the preceding section shall be deemed to have accepted and shall, within the meaning of section 3 of this act be subject to the provisions of this act and of any act amendatory thereof, if, at the time of the accident upon which liability is claimed:

(1) The employer charged with such liability is subject to the provisions of this act, whether the employee has actual notice thereof or not; and

(2) At the time of entering into his contract of hire, express or implied, with such employer, such employee shall not have given to his employer notice in writing that he elects not to be subject to the provisions of this act, or, in the event that such contract of hire was made in advance of such employer becoming subject to the provisions of the act, such employee shall, without giving such notice, remain in the service of such employer for thirty days after the employer has filed with said board an election to be subject to the terms of this act.

**Compensation.** Sec. 8. Where liability for compensation under this act exists the same shall be as provided in the following schedule:

(1) Such medical and surgical treatment, medicines, medical and surgical supplies, crutches and apparatus, as may be reasonably required at the time of the injury and thereafter during the disability, but not exceeding ninety days, to cure and relieve from the effect of the injury, the same to be provided by the employer, and in case of his neglect or refusal seasonably to do so, the employer to be liable for the reasonable expense incurred by or on behalf of the employee in providing the same: *Provided, however,* That the total liability under this subdivision shall not exceed the sum of \$100. Medical, etc.,  
treatment.

(2) If the accident causes disability, an indemnity which shall be payable as wages on the eighth day after the injured employee leaves work as the result of the injury, and weekly thereafter, which weekly indemnity shall be as follows: Weekly in-  
demnity.

(a) If the accident causes total disability, sixty-five per cent of the average weekly earnings during the period of such total disability: *Provided,* That if the disability is such as not only to render the injured employee entirely incapable of work, but also so helpless as to require the assistance of a nurse, the weekly indemnity during the period of such assistance shall be increased to one hundred per cent of the average weekly earnings.

(b) If the accident causes partial disability sixty-five per cent of the weekly loss in wages during the period of such partial disability.

(c) If the disability caused by the accident is at times total and at times partial, the weekly indemnity during the periods of each such total or partial disability shall be in accordance with said subsections (a) and (b) respectively.

(d) Said subsections (a), (b) and (c) shall be subject to the following limitations:

Aggregate disability indemnity for a single injury shall not exceed three times the average annual earnings of the employee.

If the period of disability does not last more than one week from the day the employee leaves work as the result of the accident no indemnity whatever shall be recoverable.

If the period of disability lasts more than one week from the day the employee leaves work as the result of the accident, no indemnity shall be recoverable for the first week of the period of such disability.

The aggregate disability period shall not, in any event extend beyond fifteen years from the date of the accident.

(3) The death of the injured employee shall not affect the obligation of the employer under subsections (1) and (2) of this section, so far as his liability shall have accrued and become payable at the time of the death, but the death shall be deemed the termination of disability, and the employer shall thereupon be liable for the following death benefits in lieu of any further disability benefits: *Provided,* That such death was approximately caused by the accident causing such disability: Death.

(a) In case the deceased employee leaves a person or persons wholly dependent upon him for support, the death benefit shall be a sum sufficient when added to the benefits which shall, at the time of death, have accrued and become payable under the provisions of subsection (2) of this section to make the total compensation for the injury and death, (exclusive of the benefit provided for in subsection (1), equal to three times his annual average earnings, not less than \$1,000 nor more than \$5,000, the same to be payable, unless and until the industrial accident board shall otherwise direct, in weekly installments corresponding in amount to the weekly earnings of the employee. Dependents.

(b) In case the deceased employee leaves no one wholly dependent on him for support, but one or more persons partially dependent therefor, the death benefit shall be such percentage of three times such average annual earnings of the employee as the annual amount devoted by the deceased to the support of the person or persons so partially dependent upon him for support bears to such average earnings, the same to be payable, unless Partial de-  
pendents.

and until the industrial accident board shall otherwise direct, in weekly installments corresponding to the weekly earnings of the employee: *Provided*, That the total compensation for the injury and death, (exclusive of the benefit provided for in said subsection (1)) shall not exceed three times such average annual earnings.

**Death within fifteen years.**

(c) In the event that the accident shall have approximately caused permanent disability, either total or partial, and the employee shall die within fifteen years after the date of the accident, liability for the death benefits provided for in said subsection (a) and (b) respectively shall exist only where the accident was the approximate cause of death within said period of fifteen years.

**No dependents.**

(d) If the deceased employee leaves no person dependent upon him for support, and the accident approximately causes death, the death benefit shall consist of the reasonable expenses of his burial not exceeding \$100.

**Earnings computed, how.**

SEC. 9. (1) The weekly earning[s] referred to in section (8) shall be one fifty-second of the average annual earnings of the employee; average annual earnings shall not be taken at less than than \$333.33, nor more than \$1,666.66, and between said limits shall be arrived at as follows:

(a) If the injured employee has worked in such employment, whether for the same employer or not, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of three hundred times the average daily wage or salary which he has earned as such employee during the days when so employed.

(b) If the injured employee has not so worked in such employment during substantially the whole of such immediately preceding year, his average annual earnings shall consist of three hundred times the average daily wages or salary which an employee of the same class working substantially the whole of such immediately preceding year in the same or a similar employment in the same or a neighboring place shall have earned during the days when so employed.

(c) In cases where the foregoing methods of arriving at the average annual earnings of the injured employee can not reasonably and fairly be applied, such annual earnings shall be taken at such sum as having regard to the previous earnings of the injured employee, and of other employees of the same or most similar class, working in the same or most similar employment in the same or neighboring locality, shall reasonably represent the average earning capacity of the injured employee at the time of the injury in the employment in which he was working at such time.

**Previous disability.**

(d) The fact that an employee has suffered a previous disability, or received compensation therefor, shall not preclude him from compensation for a later injury, or for death resulting therefrom, but in determining compensation for the later injury, or death resulting therefrom, his average annual earnings shall be such sum as will reasonably represent his annual earning capacity at the time of the later injury, and shall be arrived at according to the previous provisions of this section.

**Loss in wages.**

(2) The weekly loss in wages referred to in section 8, shall consist of the difference between the average weekly earnings of the injured employee, computed according to the provisions of this section, and the weekly amount which the injured employee, in the exercise of reasonable diligence, will probably be able to earn, the same to be fixed as of the time of the accident, but to be determined in view of the nature and extent of the injury.

**Who are dependents.**

(3) The following shall be conclusively presumed to be solely and wholly dependent for support upon a deceased employee:

(a) A wife upon a husband.

(b) A husband upon a wife upon whose earnings he is partially or wholly dependent at the time of her death.

(c) A child or children under the age of eighteen years (or over said age, but physically or mentally incapacitated from earning),

upon the parent with whom he or they are living at the time of the death of such parent, there being no surviving dependent parent. In case there is more than one child thus dependent, the death benefit shall be divided equally among them. In all other cases questions of entire or partial dependency shall be determined in accordance with the fact, as the fact may be at the time of the death of the employee, and in such other cases if there is more than one person wholly dependent, the death benefit shall be divided equally among them and persons partially dependent, if any, shall receive no part thereof, and if there is more than one person partially dependent, the death benefit shall be divided among them according to the relative extent of their dependency.

(4) Questions as to who constitute dependents and the extent of their dependency shall be determined as of the date of the death of the employee, and their right to any death benefit shall become fixed as of such time, irrespective of any subsequent change in conditions, and the death benefit shall be directly recoverable by and payable to the dependent or dependents entitled thereto or their legal guardians or trustees.

SEC. 10. No claim to recover compensation under this act shall be maintained unless within thirty days after the occurrence of the accident which is claimed to have caused the injury or death, notice in writing, stating the name and the address of the person injured, the time and the place where the accident occurred, and the nature of the injury, and signed by the person injured or someone in his behalf, or in case of his death, by a dependent or someone in his behalf, shall be served upon the employer by delivering to and leaving with him a copy of such notice or by mailing to him by registered mail a copy thereof in a sealed and posted envelope addressed to him at his last known place of business or residence. Such mailing shall constitute complete service: *Provided, however,* That any payment of compensation under this act, in whole or in part, made by the employer before the expiration of said thirty days shall be equivalent to the notice herein required: *And provided, further,* That the failure to give any such notice, or any defect or inaccuracy therein, shall not be a bar to recovery under this act if it is found as a fact in the proceedings for collections of the claim that there was no intention to mislead the employer, and that he was not in fact misled thereby: *And provided, further,* That if no such notice is given and no payment of compensation made, within one year from the date of the accident, the right to compensation therefor shall be wholly barred.

Filing claim.

SEC. 11. Wherever in case of injury the right to compensation under this act would exist in favor of any employee, he shall, upon the written request of his employer, submit from time to time to examination by a regular practicing physician, who shall be provided and paid for by the employer, and shall likewise submit to examination from time to time by any regular physician selected by said industrial accident board, or any member or examiner thereof. The employee shall be entitled to have a physician provided and paid for by himself present at any such examination. So long as the employee, after such written request of the employer, shall refuse to submit to such examination, or shall in any way obstruct the same, his right to begin or maintain any proceeding for the collection of compensation shall be suspended, and if he shall refuse to submit to such examination after direction by the board, or any member or examiner thereof, or shall in any way obstruct the same, his right to the weekly indemnity which shall accrue and become payable during the period of such refusal or obstruction, shall be barred. Any physician who shall make or be present at any such examination may be required to testify as to the results thereof.

Medical examinations.

SEC. 12. Any dispute or controversy concerning compensation under this act, including any in which the State may be a party, shall be submitted to a board consisting of three members, which shall be known as the industrial accident board. Within thirty

Industrial accident board.

days before this act shall take effect, the governor, by and with the advice and consent of the senate, shall appoint a member who shall serve two years, and another who shall serve three years, and another who shall serve four years. Thereafter such three members shall be appointed and confirmed for terms of four years each. Vacancies shall be filled in the same manner for the unexpired term. Each member of the board, before entering upon the duties of his office, shall take the oath prescribed by the constitution. A majority of the board shall constitute a quorum for the exercise of any of the powers or authority conferred by this act, and an award by the majority shall be valid. In case of a vacancy, the remaining two members of the board shall exercise all the powers and authority of the board until such vacancy is filled. Each member of the board shall receive an annual salary of three thousand six hundred dollars.

**Organization,**  
**etc.** SEC. 13. The board shall organize by choosing one of its members as chairman. Subject to the provisions of this act, it may adopt its own rules of procedure and may change the same from time to time in its discretion. The board, when it shall deem it necessary to expedite its business, may from time to time employ one or more expert examiners for such length of time as may be required. It may also appoint a secretary and such clerical help as it may deem necessary. It shall fix the compensation of all assistants so appointed.

**Office and**  
**expenses.** SEC. 14. The board shall keep its office at the city of San Francisco, and shall be provided by the secretary of state with a suitable room or rooms, necessary office furniture, stationery, and other supplies. The members of the board and its assistants, shall be entitled to receive from the State their actual and necessary expenses while traveling on the business of the board, but such expenses shall be sworn to by the person who incurred the same, and be approved by the chairman of the board, before payment is made. All salaries and expenses authorized by this act shall be audited and paid out of the general funds of the State the same as other general State expenses are audited and paid.

**Duties of**  
**board.** SEC. 15. Upon the filing with the board by any party in interest of an application in writing stating the general nature of any dispute or controversy concerning compensation under this act, it shall fix a time for the hearing thereof, which shall not be more than forty days after the filing of such application. The board shall cause notice of such hearing to be given to each party interested by service of such notice on him personally or by mailing a copy thereof to him at his last known post-office address at least ten days before such hearing. Such hearing may be adjourned from time to time in the discretion of the board, and hearings shall be held at such places as the board shall designate. Either party shall have the right to be present at any hearing, in person or by attorney or any other agent, and to present such testimony as shall be pertinent to the controversy before the board, but the board may, with or without notice to either party, cause testimony to be taken, or inspection of the premises where the injury occurred to be had, or the time books and pay roll of the employer to be examined by any member of the board or any examiner appointed by it, and may from time to time, direct any employee claiming compensation to be examined by a regular physician; the testimony so taken, and the results of any such inspection or examination, to be reported to the board for its consideration upon final hearing. The board, or any member thereof, or any examiner appointed thereby shall have power and authority to issue subpoenas to compel the 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 superior court of any county, or city and county.

**Awards.** SEC. 16. After final hearing by said board, it shall make and file (1) its findings upon all facts involved in the controversy, and (2) its award, which shall state its determination as to the rights of the party.

SEC. 17. Either party may present a certified copy of the award to the superior court for any county or city and county, whereupon said court shall, without notice, render a judgment in accordance therewith, which judgment, until and unless set aside as hereinafter provided, shall have the same effect as though duly rendered in an action duly tried and determined by said court, and shall, with the like effect, be entered and docketed.

Docketing.

SEC. 18. The findings of fact made by the board acting within its powers, shall, in the absence of fraud, be conclusive, and the award, whether judgment has been rendered thereon or not, shall be subject to review only in the manner and upon the grounds following: Within thirty days from the date of the award, any party aggrieved thereby may file with the board an application in writing for a review of such award, stating generally the grounds upon which such review is sought; within thirty days thereafter the board shall cause all documents and papers on file in the matter, and a transcript of all testimony which may have been taken therein, to be transmitted with their findings and award to the clerk of the superior court of that county or city and county wherein the accident occurred; such application for a review may thereupon be brought on for hearing before said court upon such record by either party on ten days' notice to the other, subject, however, to the provisions of law for a change of the place of trial or the calling of another judge. Upon such hearing the court may confirm or set aside such award, and any judgment which may theretofore have been rendered thereon, but the same shall be set aside only upon the following grounds:

Review.

(1) That the board acted without or in excess of its powers.

(2) That the award was procured by fraud.

(3) That the findings of fact by the board do not support the award.

SEC. 19. Upon the setting aside of any award the court may recommit the controversy and remand the record in the case to the board, for further hearing or proceedings, or it may enter the proper judgment upon the findings, as the nature of the case shall demand. An abstract of the judgment entered by the trial court upon the review of any award shall be made by the clerk thereof upon the docket entry of any judgment which may theretofore have been rendered upon such award, and transcripts of such abstract may thereupon be obtained for like entry upon the dockets of the courts of other counties, or city and county.

Reconsideration.

SEC. 20. Any party aggrieved by a judgment entered upon the review of any award, may appeal therefrom within the time and in the manner provided for an appeal from the orders of the superior court; but all such appeals shall be placed on the calendar of the supreme court and brought to a hearing in the same manner as criminal causes on such calendar.

Appeals to court.

SEC. 21. No fees shall be charged by the clerk of any court for the performance of any official service required by this act, except for the docketing of judgments and for certified copies or transcripts thereof. In proceedings to review an award, costs as between the parties shall be allowed or not in the discretion of the court.

Fees.

SEC. 22. No claim for compensation under this act shall be assignable before payment, but this provision shall not affect the survival thereof; nor shall any claim for compensation, or compensation awarded, adjudged or paid, be subject to be taken for the debts of the party entitled thereto.

Assignments.

SEC. 23. A claim for compensation for the injury or death of any employee, or any award or judgment entered thereon, shall be entitled to a preference over the other debts of the employer if and to the same extent as the wages of such employee shall be so preferred; but this section shall not impair the lien of any judgment entered upon any award.

Claims preferred.

SEC. 24. Nothing in this act shall affect the organization of any mutual or other insurance company, or any existing contract

Insurance.

for insurance or employers' liability, nor the right of the employer to insure in mutual or other companies, in whole or in part, against such liability, or against the liability for the compensation provided for by this act, or to provide by mutual or other insurance, or by arrangement with his employees, or otherwise, for the payment to such employees, their families, dependents, or representatives, of sick, accident or death benefits, in addition to the compensation provided for by this act. But liability for compensation under this act shall not be reduced or affected by any insurance, contributions, or other benefit whatsoever due to or received by the person entitled to such compensation, and the person so entitled shall, irrespective of any insurance or other contract, have the right to recover the same directly from the employer, and in addition thereto, the right to enforce in his own name, in the manner provided in this act, the liability of any insurance company, which may, in whole or in part, have insured the liability for such compensation: *Provided, however,* That payment in whole or in part of such compensation by either the employer or the insurance company, shall, to the extent thereof, be a bar to recovery against the other of the amount so paid: *And provided, further,* That as between the employer and the insurance company, payment by either directly to the employee, or to the person entitled to compensation, shall be subject to the conditions of the insurance contract between them.

**Act controls.** SEC. 25. Every contract for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this act, and provisions thereof inconsistent with this act shall be void. No company shall enter into any such contract of insurance unless such company shall have been approved by the commissioner of insurance, as provided by law.

**Actions in tort assigned.** SEC. 26. The making of a lawful claim against an employer for compensation under this act for the injury or death of his employee shall operate as an assignment of any assignable cause of action in tort which the employee or his personal representative may have against any other party for such injury or death, and such employer may enforce in his own name the liability of such other party.

**Forms, etc.** SEC. 27. The board shall cause to be printed and furnished free of charge to any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this act; it shall provide a proper record book in which shall be entered and indexed the name of every employer who shall file a statement of election under this act, and the date of the filing thereof, and a separate book in which shall be entered and indexed the name of every employer who shall file his withdrawal of such election, and the date of the filing thereof; and a book in which shall be recorded all awards made by the board; and such other books or records as it shall deem required by the proper and efficient administration of this act; all such records

**Notice of election.** to be kept in the office of the board. Upon the filing of a statement of election by an employer to become subject to the provisions of this act, the board shall forthwith cause notice of the fact to be given to his employees, by posting and keeping continuously posted in a public and conspicuous place such notice thereof in the office, shop, or place of business of the employer, or by publishing, or in such other manner as the board shall deem most effective, and the board shall cause notice to be given in like manner of the filing of any withdrawal of such election; but notwithstanding the failure to give, or the insufficiency of, any such notice, knowledge of all filed statements of election and withdrawals of election, and of the time of the filing of the same, shall conclusively be imputed to all employees.

**Compromises.** SEC. 28. Nothing in this act contained shall be construed as impairing the right of parties interested, after the injury or death of an employee, to compromise and settle, upon such terms as they may agree upon, any liability which may be claimed to exist under

this act on account of such injury or death, nor as conferring upon the dependents of any injured employee any interest which he may not divert by such settlement or for which he or his estate shall, in the event of such settlement by him, be accountable to such dependents or any of them.

SEC. 29. The sum of fifty thousand dollars is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, to be used by the industrial accident board in carrying out the purposes of this act, and the controller is hereby directed to draw his warrant on the general fund from time to time in favor of said industrial board for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

Expenses.

SEC. 30. All acts or parts of acts inconsistent with this act are hereby repealed.

Repeal.

SEC. 31. This act shall take effect and be in force on and after the first day of September, A. D. 1911.

Act takes effect when.

Approved April 8, 1911.

CHAPTER 456.—*Employment of children—General provisions.*

[SECTION 1.] An act regulating the employment and hours of labor of children, \* \* \* approved February 20, 1905, is hereby amended to read as follows:

Section 1. No minor under the age of eighteen shall be employed in laboring in any manufacturing, mechanical, or mercantile establishment, or other place of labor, more than nine hours in one day, except when it is necessary to make repairs to prevent interruption of the ordinary running of the machinery, or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter days' work for one day of the week, and in no case shall the hours of labor exceed fifty-four hours in a week.

Nine - hour day.

Sec. 2. No minor under the age of eighteen years shall be employed or permitted to work between the hours of ten o'clock in the evening and five o'clock in the morning. No child under fifteen years of age shall be employed in any mercantile institution, office, laundry, manufacturing establishment, workshop, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages: *Provided*, That the judge of the juvenile court of the county, or city and county, or in any county or city and county in which there is no juvenile court, when any judge of the superior court of the county or city and county in which such child resides shall have authority to issue a permit to work to any such child over the age of twelve years, upon a sworn statement being made to him by the parent of such child that such child is past the age of twelve years, that the parents or parent of such child are incapacitated for labor, through illness, and after investigation by a probation officer or attendance officer of the city, or city and county, in which such child resides, or in cities and counties where there are no probation or attendance officers, then by such other competent person as the judge may designate for this purpose. The permit so issued shall specify the kind of labor and the time for which it is issued, and shall in no case be issued for a longer period than shall seem necessary to the judge issuing such permit. Such permit shall be kept on file by the person, firm or corporation employing the child therein designated, during the term of said employment, and shall be given up to such child upon his quitting such employment. Such certificate shall be always open to the inspection of the attendance and probation officers of the city and county, city or county, in which the place of employment is situated, or the officers of the State bureau of labor statistics: *And provided*, That the attendance officer of any county, city and county, or school district in which any place of employment, in this section named, is situated, shall have the right and authority, at all times to enter into any such place of

Night work.

Age limit.

Children of dependent parents.

Enforcement.

employment for the purpose of investigating violations of the provisions of this act, or violations of the provisions of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of the act," approved March 24, 1903, and amended March 20, 1905: *Provided, however,* That if such attendance or probation officer is denied entrance to such place of employment, any magistrate may, upon the filing of an affidavit by such attendance or probation officer setting forth the fact that he had a good cause to believe that the provisions of this act, or the act hereinbefore referred to, are being violated in such place of employment, issue an order directing such attendance or probation officer to enter said place of employment for the purpose of making such investigations: *And provided,* That any such child over the age of twelve years may be employed at any of the occupations mentioned in this act during the regular vacation of the public schools of the city, county, or city and county, in which the place of employment is situated, upon the production of a permit signed by the principal, vice principal of the school, or secretary of the board of school trustees or board of education of the school which such child has attended during the term next preceding any such vacation. Such permit shall contain the name and age of the child to whom it is issued, and the date of the termination of the vacation for which it is issued, and shall be kept on file by the employer during the period of employment, and at the termination of such employment shall be returned to the child to whom it was issued. No minor who is under sixteen years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the city, town or school district in which his place of employment is situated are in session, unless he or she can read English at sight and can write legibly and correctly simple English sentences, or unless he or she is a regular attendant for the then current term at a regularly conducted night school. A certificate of the principal of such school shall be held to be sufficient evidence of such attendance.

Employment during school time.

Schedule of work time.

Sec. 3. Every person, firm or corporation employing minors under eighteen years of age, in any manufacturing establishment, shall post, and keep posted, in a conspicuous place in every room where such help is employed, a written or printed notice stating the number of hours per day for each day of the week required of such persons. Every person, firm, or corporation, agent or officer of a firm or corporation, employing or permitting minors under sixteen and over fifteen years of age to work in any mercantile institution, office, laundry, manufacturing establishment, workshop, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, shall keep a record of the names, ages, and places of residence of such minors, and shall have on file a certificate of age and schooling, as provided in this act, for every such minor so employed, said record and certificate to be open at all times to the inspection of the school attendance and probation officers of the city and county, city, or county, in which the place of employment is situated, or of the officers of the State bureau of labor statistics.

Records.

Certificates.

An age and schooling certificate shall be approved only by the superintendent of schools of the city or city and county, or by a person authorized by him in writing, or where there is no city or city and county superintendent of schools, by a person authorized by the local school trustees: *Provided,* That the superintendent or principal of any school of recognized standing shall have the right to approve an age and schooling certificate, and shall have the same rights and powers as the superintendent of public schools to issue the certificate herein provided, for children attending such schools. The persons authorized to issue age and schooling certificates shall have the authority to administer the oaths necessary for carrying out the provisions of this act, but no fees shall be charged for issuing such certificates. An age and schooling certificate shall not be approved unless satisfactory evidence is

furnished by the last school census, the certificate of birth or baptism of such child, the public register of birth of such child, or in some other manner, that such child is of the age stated in such certificate. A duplicate copy of each age and schooling certificate granted under the provisions of this act shall be kept by the person issuing such certificate, such copy to be filed with the county superintendent of schools in the county where the certificate is issued: *Provided*, That all such copies of certificates issued between June 25th and December 25th of any year shall be filed not later than December 31st of such year; and those issued between December 25th and June 25th of the ensuing year shall be filed not later than June 30th of each year. Such certificates shall be substantially in the following form, to wit:

AGE AND SCHOOLING CERTIFICATE.

This certifies that I am the (father, mother, or guardian) of (name of the child), and that (he or she) was born at (name of town or city), in the county of (name of county, if known), and State (or country) of (name), on the day (day and year of birth), and is now (number of years and of months) old.

Form.

Signature, as provided in this act.

Town or city, and date.

There personally appeared before me the above-named (name of person signing) and made oath that the following [foregoing] certificate by (him or her) signed is true to the best of (his or her) knowledge and belief.

I hereby approve the foregoing certificate of (name of child), height (feet and inches), complexion (fair or dark), hair (color), having no sufficient reason to doubt that (he or she) is of the age therein certified, and I hereby certify that (he or she) (can or can not) read English at sight, and (can or can not) write legibly simple sentences in the English language. There is hereto attached a written request from the prospective employer of such child, that an age and schooling certificate be granted to such child.

Signature of the person authorized to sign, with his official character and authority.

Town or city and date.

This certificate belongs to the person in whose behalf it is drawn, and it shall be presented to (him or her) whenever (he or she) leaves the services of the person, firm, or corporation holding the same. The certificate as to the birthplace and age of the minor under sixteen and over fifteen years of age shall be signed by his father, his mother, or his guardian; if a child has no father, mother, or guardian living in the same city or town, his own signature to the certificate may be accepted by the person authorized to approve the same. Every person authorized to sign the certificate prescribed by this act, who knowingly certifies to any false statement therein, is guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than fifty dollars, or imprisonment not more than thirty days, or by both such fine and imprisonment. The county superintendent of schools of each county shall file with the commissioner of the bureau of labor statistics a report showing the number of age and schooling certificates issued to male and female minors, fifteen years of age, and such other detailed information as the commissioner may require. Said report to be filed during the months of January and July of each year for the preceding six months, ending June 25th and December 25th of each year, and cover certificates issued during said periods and on file in the office of the county superintendent of schools as described in paragraph five of this section.

Certificate to be returned.

Signing.

Report.

**Unemployed children.**

Sec. 3a. *Provided, however,* That no child having a permit to work, as prescribed in section two of this act, and no child having an age and schooling certificate, as described in section three of this act, and no other child, between the ages of fifteen and sixteen years, who, if between the ages of eight and fifteen years, would by law be required to attend school, shall, while the public schools are in session, be and remain idle and unemployed for a period longer than two weeks, but must enroll and attend school: *Provided,* That within one week after any child having such a permit to work or such age and schooling certificate shall have ceased to be employed by any employer, such employer shall, in writing, giving the latest correct address of such child known to such employer, notify, in the case of a child having a permit to work, the judge of the juvenile court in the county of said child's residence or the probation officer of such juvenile court, or in the case of a child having an age and schooling certificate, the county superintendent of schools of such county, that such child is no longer employed by such employer; and such judge of the juvenile court, or such probation officer, or such county superintendent of schools, shall thereupon immediately notify the attendance officer having jurisdiction in the place of such child's residence, giving the said latest correct address of such child, that such child is neither at work nor in school: *And provided, further,* That no such child shall be permitted to cease school attendance, without securing a permit to work, or an age and schooling certificate as provided in this act.

**Violations.**

SEC. 4. Any person, firm, or corporation, agent, or officer of a firm or corporation that violates or omits to comply with any of the foregoing provisions of this act, or that employs or suffers or permits any minor to be employed in violation thereof, is guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars or more than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment, for each and every offense. A failure to produce any age and schooling certificate or permit or to post any notice required by this act, shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate or permit is not produced, or whose name is not so posted. Any fine collected under the provisions of this act shall be paid into the school funds of the county, or city, or county and county in which the offense occurred; except such fines imposed and collected as the result of prosecutions by the officer of the bureau of labor statistics. In such cases one-half of the resultant fine or fines shall be paid into the State treasury and credited to the contingent fund of the bureau of labor statistics, and one-half paid into the school funds of the county, or city, or county and county in which the offense occurred.

**Exemptions.**

Sec. 5. Nothing in this act shall be construed to prohibit the employment of minors at agricultural, horticultural, or viticultural or domestic labor during the time the public schools are not in session, or during other than school hours. Nor shall anything in this act be construed to prohibit any child between the ages of fifteen and eighteen years, who is by any statute or statutes of the State of California, now or hereafter in force, permitted to be employed as an actor, or actress, or performer, in a theatre, or other place of amusement, previous to the hour of ten o'clock p. m., in the presentation of a performance, play or drama, continuing from an earlier hour till after the hour of ten o'clock p. m., from performing his or her part in such presentation as such employee between the hours of ten and twelve o'clock p. m.

**Enforcement.**

Sec. 6. It shall be the duty of the bureau of labor statistics to enforce the provisions of this act. The commissioner, his deputies, and agents, shall have all powers and authority of sheriffs to make arrests for violations of the provisions of this act.

Approved April 14, 1911.

CHAPTER 482.—*Employment of children—School attendance.*

SECTION 1. Section one of "An act to enforce the educational rights of children and providing penalties for violation of the act," approved March 24, 1903, and as amended by act approved March 20, 1905, is hereby amended so as to read as follows:

Section 1. Unless excused, as hereinafter provided, each parent, guardian, or other person, in the State of California, having control or charge of any child between the ages of eight and fifteen years, shall be required to send such child to a public school, during the time in which a public school shall be in session, in the city or city and county or school district in which said child resides: *Provided*, That should it be shown to the satisfaction of the board of education of the city or city and county, or of the board of trustees of the school district, in which such child resides, \* \* \* that any such child between the age of twelve and fifteen has been given a permit to work by the proper judicial officers in accordance with section two of "An act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof," approved February 20, 1905 [see ch. 456, Acts of 1911]; then it shall be the duty of such board of education or board of trustees, upon application of the parent, or guardian, or other person having control or charge of such child, to excuse such child from attendance at school, during the continuance of such \* \* \* condition upon which such excuse is granted; \* \* \*.

Attendance required.

Exception.

Approved April 21, 1911.

CHAPTER 484.—*Hours of labor of employees on railroads.*

SECTION 1. It shall hereafter be unlawful for any corporation or receiver operating any line of railroad in whole or in part in this State, or any officer, agent or representative of such corporation to require or knowingly permit any conductor, engineer, fireman, brakeman, train dispatcher or telegraph operator to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least eight consecutive hours off duty.

Sixteen-hour day.

SEC. 2. It shall hereafter be unlawful for any corporation or receiver operating any line of railroad in whole or in part in this State, or any officer, agent, or representative of such company or receiver to require or knowingly permit any conductor, engineer, fireman, brakeman, train dispatcher or telegraph operator, who has been on duty for sixteen consecutive hours and who has gone off duty, to again go on duty or perform any work for such receiver or corporation until he has had at least eight hours off duty.

Eight hours off duty.

SEC. 3. Any corporation or receiver operating a line of railroad in whole or in part within this State, who shall violate any of the provisions of this act shall be liable to the State of California in a penalty of not less than two hundred dollars nor more than one thousand dollars for each offense, and such penalties shall be recovered and suit therefor shall be brought in the name of the State of California in any court having jurisdiction of the amount in any county into or through which said railroad may pass. Such suit or suits may be brought either by the attorney general of the State or under his direction by the district attorney of any county or city and county in the State of California into or through which said railroad may pass.

Violations.

SEC. 4. Any officer, agent or representative of any corporation or receiver operating any line of railroad in whole or in part within this State, who shall violate any of the provisions of this

Officers, etc., violating law.

act shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars for each offense, or by confinement in the county jail for not less than ten nor more than sixty days, or by both fine and imprisonment, and such person so offending may be prosecuted under this section, either in the county where such person may be at the time of commission of the offense, or in any county where such employee has been permitted or required to work in violation of this act.

**Exceptions.**

SEC. 5. *Provided*, That the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen: *Provided, further*, That the provisions of this act shall not apply to the crews of wrecking or relief trains.

Approved April 21, 1911.

CHAPTER 485.—*Occupational diseases—Reports.***Physicians to report.**

SECTION 1. Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenic or mercury or their compounds, or from anthrax, or from compressed-air illness, contracted as a result of the nature of the patient's employment, shall send to the State board of health a notice stating the name and full postal address and place of employment of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and shall be entitled in respect of every bona fide notice sent in pursuance of this section to a fee of fifty cents, to be paid as part of the expense incurred by the State board of health in the execution of this act.

**Violations.**

SEC. 2. If any medical practitioner, when required by this act to send a notice, willfully fails forthwith to send the same, as provided by this act, he shall be guilty of a misdemeanor, and upon conviction of the same shall be fined not more than ten dollars.

**Enforcement.**

SEC. 3. It shall be the duty of the State board of health to enforce the provisions of this act, and it may call upon local boards of health and health officers for assistance and it shall be the duty of all boards and officers so called upon for such assistance to render the same. It shall furthermore be the duty of said State board of health to transmit such data to the commissioner of the bureau of labor statistics.

Approved April 21, 1911.

CHAPTER 500.—*Construction of electric subways, manholes, etc.***Acts forbidden.**

SECTION 1. No commission, officer, agent, or employee of the State of California or of any city and county or city or county or other political subdivision thereof, and no other person, firm or corporation, shall build or rebuild or cause to be built or rebuilt within the State of California:

**Dimensions of subways, etc.**

(a) Any subway, manhole, chamber, or underground room used or to be used to contain, incase, cover or conduct any wire, cable, or appliance, to conduct, carry or handle electricity, unless such subway, manhole, chamber or underground room shall have an inside measurement of not less than four (4) feet at the maximum points between the side walls thereof, and between the end walls thereof, and not less than five (5) feet at all points between the floor thereof, and the top or ceiling thereof, or if circular in shape, at least four (4) feet diameter inside measurement, and not less than five (5) feet at all points between the floor and ceiling thereof: *Provided, however*, That this paragraph shall not be held to apply to any such subway, manhole, chamber or underground room, within which it is not intended or required that any

**Proviso.**

human being perform work or labor or be employed: *Further provided*, That the provisions of this paragraph (a) shall not be held to apply where satisfactory proof shall be submitted to the proper authorities, that it is impracticable or physically impossible to comply with this law within the space or location so designated by the proper municipal authorities.

(b) In any subway, manhole, chamber or underground room used or to be used to contain, incase, cover or conduct any wire, cable or appliance to conduct, carry or handle electricity, any opening to outer air which is less than twenty-six (26) inches if circular in shape, or less than twenty-four (24) inches by twenty-six (26) inches clear measurement if rectangular in shape. Manholes.

(c) In any subway, manhole, chamber or underground room, used or to be used to contain, incase, cover or conduct any wire, cable or appliance to conduct, carry, or handle electricity, any opening which is at the surface of the ground, within the distance of three (3) feet at any point from any rail or any railway or street-car track: *Provided*, That the provisions of this paragraph (c) shall not be held to apply where satisfactory proof shall be submitted to the proper authorities that it is impracticable or physically impossible to comply with this law within the space or location so designated by the proper municipal authorities. Proximity to car tracks.

(d) Any subway, manhole, chamber or underground room, used or to be used to contain, incase, cover or conduct any wire, cable, or appliance to conduct, carry, or handle electricity, unless the floor of such subway, manhole, chamber or underground room is made of stone, concrete, brick, or other similar material not subject to decomposition: *Provided*, That this paragraph (d) shall not be held to apply to any such subway, manhole, chamber or underground room within which it is not intended or required that any human being perform work or labor or be employed. Floors.

(e) Or maintain any subway, manhole, chamber or underground room, used, or to be used, to contain, incase, cover or conduct any wire, cable or appliance to conduct, carry or handle electricity, unless such subway, manhole, chamber or underground room is kept at all times in a sanitary condition, and free from stagnant water, or seepage, or other drainage, or any offensive matter dangerous to health, either by sewer connection or otherwise: *Provided*, That this paragraph (e) shall not be held to apply to any such subway, manhole, chamber or underground room, within which it is not intended or required that any human being perform work or labor or be employed. Drainage.

SEC. 2. Any violation of any provision of this act shall be deemed a misdemeanor, and shall be punishable upon conviction by a fine not exceeding five hundred (500) dollars, or by imprisonment in a county jail not exceeding six (6) months, or by both such fine and imprisonment. Violations.

SEC. 3. None of the provisions of subdivisions a, b, c, and d, of section one of this act shall be so construed as to be retroactive or apply to works already constructed, and all acts or parts of acts which are in conflict with this act are hereby repealed. Construction of statute.

Approved April 22, 1911.

CHAPTER 590.—*Protection of employees on buildings.*

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

SEC. 2. Such flooring shall not be removed until the same is replaced by the permanent flooring in such building. Removal.

SEC. 3. It shall be the duty of the general contractor having charge of the erection of such building to provide for the flooring Contractor's duty.

as herein required, or to make such arrangements as may be necessary with subcontractors in order that the provisions of this act may be carried out.

**Owner's duty.** SEC. 4. It shall be the duty of the owner or the agent of the owner of such building to see that the general contractor or subcontractors carry out the provisions of this act.

**Same.** SEC. 5. Should the general contractor or subcontractors of such building fail to provide for the flooring of such building, as herein provided, then it shall be the duty of the owner or the agent of the owner of such building to see that the provisions of this act are carried out.

**Misdemeanor.** SEC. 6. Failure upon the part of the owner, agent of the owner, general contractor, or subcontractors to comply with the provisions of this act shall be deemed a misdemeanor and shall be punishable as such.

Approved April 26, 1911.

CHAPTER 634.—*Bureau of labor—Deputy commissioners.*

SECTION 1. Section nine of an act entitled, "An act to establish and support a bureau of labor statistics," approved March 3, 1883, is hereby amended to read as follows:

**Appointees in bureau.** Section 9. The commissioner shall appoint two deputies, who shall have the same power as said commissioner, one of whom shall reside in the city and county of San Francisco and the other in the city of Los Angeles; one assistant deputy, who shall reside in the county of Los Angeles; a statistician; a stenographer, and such agents or assistants, as he may from time to time require, \* \* \*.

Approved April 28, 1911.

CHAPTER 663.—*Payment of wages due employees at termination of contract—Monthly pay day.*

**Wages immediately payable.** SECTION 1. 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 become due and payable five days thereafter.

**Monthly pay day.** SEC. 2. All wages other than those mentioned in section one of this act earned by any person during any one month shall become due and payable at least once 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 fifteen 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 such employee to accept from any such person, firm or corporation wages earned and unpaid for a shorter period than one month.

**Violations.** SEC. 3. Any person, firm or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars.

**Municipalities.** SEC. 4. None of the provisions of this act shall apply to any county, city and county, incorporated city or town, or other municipal corporation.

Approved May 1, 1911.

CHAPTER 688.—*Children engaged in trade—Night work.*

**Night work prohibited.** SECTION 1. It shall be unlawful for any minor under the age of eighteen years to vend and sell goods, engage in, or conduct any business between the hours of ten o'clock in the evening and five o'clock in the morning.

Sec. 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than twenty dollars, or by imprisonment for not more than ten days, or by both such fine and imprisonment for each offense.

Violations.

Approved May 1, 1911.

## RESOLUTIONS.

CHAPTER 66.—*Compensation for injuries to employees—Amendment to constitution.*

The legislature of the State of California \* \* \* hereby proposes to the qualified electors of the State of California, the following amendment to the constitution of the State of California :

Article XX is hereby amended by adding a new section to be numbered section 21 and to read as follows :

Section 21. The legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said employees in the course of their employment irrespective of the fault of either party. The legislature may provide for the settlement of any disputes arising under the legislation contemplated by this section, by arbitration, or by an industrial accident board, by the courts, or by either any or all of these agencies, anything in this constitution to the contrary notwithstanding.

Compulsory compensation.

Filed with the secretary of state March 28, 1911.

## COLORADO.

## ACTS OF 1910—EXTRAORDINARY SESSION.

CHAPTER 5.—*Railroad commission—Accidents on railroads.*

[Section 26 of this chapter is a reenactment, in identical language, of section 27 of chapter 208, Acts of 1907.]

## ACTS OF 1911.

CHAPTER 5.—*Protection of employees as members of labor organizations.*

SECTION 1. It shall be unlawful for any corporation, company, partnership, association, individual or any employer of labor to demand as a condition of employment, or as a condition of continuing any employment, any contract, agreement or reservation, evidenced by writing or otherwise, or by conditions reserved in any contract, that the person or persons so employed shall sever any present connection with or shall refrain from joining any lawful organization or society, or under any pretense whatever to prohibit, limit or restrain such employee from exercising his social, financial, fraternal or business rights in connection with or through any lawful organization or society, during his employment by any employer.

Restraining employees from membership in unions.

SEC. 2. Any such contract, agreement or reservation or condition reserved shall be prima facie evidence of the violation of this act.

Evidence.

SEC. 3. Any corporation, company, partnership, association, individual or any employer of labor, which or who shall violate any provision of this act, shall be deemed guilty of a misdemeanor, and as to any corporation such guilt shall extend to all the officers, directors or trustees thereof and any agent or authority by which such corporation acts, as individuals, and as to any partnership or company, all persons composing the same as individuals, and as to any person the person and his agent shall be

Violations.

guilty as individuals, and upon conviction of any person or persons under the provisions of this act, such person or persons shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars for each and every repetition of such offense or by imprisonment of not less than ninety days nor more than six months in the county jail for the county in which such offense was committed, or by both such fine and imprisonment in the discretion of the court.

Approved March 27, 1911.

CHAPTER 86.—*Inspectors of steam boilers.*

**Deputies.** [This chapter amends section 6309 of the Revised Statutes (sec. 4192, A. S.) by authorizing the governor to appoint 3 deputies as well as a chief boiler inspector. Deputies must have had 5 years' experience and are paid \$1,800 annual salary.]

Approved May 28, 1911.

CHAPTER 91.—*Bureau of mines.*

**Qualifications.** [This chapter amends section 4261 of the Revised Statutes (sec. 3206a, A. S.) by striking out the words "and scientific" in the phrase, "practical and scientific knowledge," giving prerequisites for appointment. It also adds the words "or other causes" to the list of grounds on which the commission may be removed by the governor.

Sections 4262 (sec. 3206b, A. S.) and 4270 (sec. 3211, A. S.) are amended so as to read as follows:]

**Districts.** Section 4262. The State of Colorado shall be divided into four metalliferous mining districts \* \* \* The commissioner of mines shall with the consent of the governor appoint one inspector of practical experience in metalliferous mining, for each of said districts, who shall be a citizen of the United States, a legal voter of the State of Colorado and who shall have resided within the district for which he is appointed for a period of at least one year, who shall have had at least seven years' practical experience in mining in the State of Colorado, who shall hold his office for the term of two years, whose duty shall be as hereinafter specified and who shall devote his entire time, within the meaning of this act, to the discharge of such duties, within his said district to which his jurisdiction is hereby confined unless ordered into some other district for special duty, when he shall possess only such powers as the commissioner of mines or the governor may confer upon him for such particular case or cases, in which he is called to act.

**Offices.** The inspector of each district shall establish and maintain within his said district, a branch office of the State bureau of mines. The commissioner of mines shall appoint a clerk who must have knowledge of mineralogy and who shall act as assistant curator for the State mineral collection. Before entering upon the discharge of their duties, said inspector and clerk shall subscribe to the oath required by the constitution and each give bond to the State in the penal sum of (\$5,000.00) to be approved by the governor, conditioned upon the faithful performance of their duties, respectively, which said bonds together with the bond of the commissioner of mines shall be deposited with the secretary of state. He the said commissioner of mines may appoint a stenographer, who shall act as assistant clerk and such other competent assistants as he may deem necessary for the carrying out of the provisions of this act: *Provided*, Appropriations be made therefor and shall have power, with the consent of the governor, to at any time remove the inspectors, clerk, or assistants for incompetency, neglect of duty or abuse of the privileges of his office.

**Enforcement.** Section 4270. The commissioners and inspectors shall exercise a sound discretion in the enforcement of this act, and if they shall find any matter, thing or practice in or connected with any metal-

liferous mine or metallurgical plant to be dangerous or defective so as to in their opinion, threaten or tend to the bodily injury, of any person, the commissioner or inspector shall give notice in writing thereof to the owner, agent, manager or lessee of such mine or plant, stating in such notice the particulars in which he considers such mine or plant, or any part thereof, or practice to be dangerous or defective; and he shall order the same to be remedied. A copy of said order shall be filed and become a part of the records of the bureau of mines, and said owner, agent, manager or lessee, shall within thirty days after the reception of said order, comply with the said order, and shall immediately notify the commissioner of mines in writing that said order has been complied with. Any of said notices may be given by registered mail and it shall be presumed that such notice was received at the expiration of the time it would be received by due course of mail. The commissioner of mines may extend the time for compliance with said order upon due cause shown for such reasonable time, not exceeding ninety days after the expiration of said thirty days, as in his judgment may be necessary and proper, having in view the magnitude of work required, which extension of time shall be made only in writing, which is to be filed and become a record of the bureau of mines.

In the event such owner, agent, manager or lessee of such mine or plant shall consider the said order of said commissioner or inspector is in excess of the authority of such officer, or shall consider the same unreasonable, or shall for any other reason object to complying with order, said owner, agent, manager or lessee may institute an action in the district court of the county wherein said property to which said order relates, or the greater part thereof is situate, against said commissioner of mines, to enjoin or restrain said officer maintaining said order, and in any such action the said court may vacate such order or modify the same as may be adjudged proper, which said judgment or decree may be reviewed by the supreme court as in other cases.

Upon the refusal of said owner, agent, manager or lessee to report to the commissioner within ten days after said order has been complied with, that the same has been complied with, said owner, agent, manager or lessee shall be subject to a fine of not less than fifty (\$50.00) dollars nor more than three hundred (\$300.00) dollars for each and every such refusal or failure.

Filed in the office of the secretary of state June 5, A. D. 1911.

#### CHAPTER 95.—*Employment of children—General provisions.*

SECTION 1. No child under the age of fourteen years shall be employed, permitted or suffered to work at any gainable occupation in any theater, concert hall or place of amusement where intoxicating liquors are sold, or in any mercantile institution, store, office or hotel, laundry, manufacturing establishment, bowling alley, passenger or freight elevator, factory or workshop, or as a messenger or driver therefor, within this State. That no child under the age of fourteen years shall be employed at any work performed for wages or other compensation, to whomsoever payable, during any portion of any month when the public schools of the town, township, village or city in which he or she resides, are in session, nor be employed in any work before the hour of seven o'clock in the morning, or after the hour of eight o'clock in the evening: *Provided*, That no child shall be allowed to work more than eight hours in any one day.

The General Assembly of the State of Colorado does hereby declare that all occupations or employments in which children are forbidden to engage by the provisions of this act shall be and hereby declared to be injurious or dangerous to health, life or limb. The employments or occupations permitted under this act, under the sections hereof providing for exemptions shall be con-

- considered injurious or dangerous to health, life or limb, unless it shall appear from the evidence produced before the authorities permitted to grant such exemptions that, in their opinion, the injury or danger to health, life or limb has been removed: *Provided, also*, That where conditions are such as to justify granting a permit exempting children from the provisions of this act to take part in concerts and theatrical performances and where such permits have been granted the performances of such children shall be construed to be a part of their training and education.
- Exceptions.** Nothing in this act shall be construed to prevent the employment of children in any fruit orchard, garden, field or farm: *Provided*, That any child under fourteen years of age engaging in such employment for persons other than their own parents must first secure a permit from the superintendent of schools in accordance with the provisions of section fifteen of this act. The hours of work during each day, or in any week shall be in compliance with the provisions of this act as to the hours during any day or week when children may be employed.
- Permits.**
- Prohibited employments.** SEC. 2. It shall be unlawful for any person having the care, custody or control of any child under the age of sixteen years, or apparently under the age of sixteen years, to exhibit, use or employ such child as an actor or performer in any concert hall or room where intoxicating liquors are sold or given away, or in any variety theater, or for any illegal, obscene, indecent or immoral purpose, exhibition or practice whatsoever, or for any business, or in any place, situation or exhibition or vocation injurious to the morals or health, or dangerous to the life or limb of such child, or cause, procure or encourage such child to engage therein. Nothing in this section contained shall apply to or effect the employment or use of any such child as a singer or musician in any church, school or academy, or the teaching or learning the science or practice of music, or in the physical development of its body in any respectable gymnasium or natatorium: *Provided*, That any child may be permitted to take part in any concert or any theatrical exhibition that is being given for profit with the written consent of the authority provided by this act for the granting of permits to children for exemptions from the provisions of this act.
- Nothing in this act shall be construed to prevent children taking part in what are known as amateur entertainments or theatricals for charity or not for profit in schools, churches, settlement houses, or boys' or girls' clubs.
- Dangerous, etc., occupation.** SEC. 3. It shall be unlawful for any person, firm, or corporation to take, receive, hire or employ any child or children under sixteen years of age in any underground works or mine, in or about the surface workings thereof, or in any smelter, coke oven or to adjust any belt to any machinery, or to operate or assist in operating circular or band saws, wood shapers, wood jointers, planers, sandpaper or wood polishing machinery, emery or polishing wheels used for polishing metal, wood turning or boring machinery, stamping machines in sheet-metal and tinware manufacturing, stamping machines in washer and nut factories, operating corrugating rolls, such as are used in roofing factories, nor shall they be employed in operating any passenger or freight elevators, steam boiler, steam machinery or other steam generating apparatus, or automobiles, wire or iron straightening machinery; nor shall they operate or assist in operating rolling mill machinery punches or shears, washing, grinding or mixing mill or calendary rolls in rubber manufacturing, nor shall they operate or assist in operating laundry machinery, nor shall children be employed in any capacity in preparing any composition in which dangerous or poisonous acids are used, and they shall not be employed in any capacity in the manufacture of paints, colors or white lead; nor shall they be employed in any capacity whatever in the manufacture of goods for immoral purposes; nor shall females under the age of sixteen years of age be employed in any capacity whatsoever where such employment compels them to remain standing
- Girls.**

constantly. No female child under ten years of age, shall sell or be permitted or allowed to sell or distribute any newspapers, periodicals or other publication or any article of merchandise or to engage in or carry on any other business or occupation in the streets or alleys of any town or city.

SEC. 4. It shall be the duty of every person, firm or corporation, agent or manager of any firm or corporation employing minors over 14 years and under 16 years of age in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, theatre, concert hall or place of amusement, passenger or freight elevator, factory or workshop or as a messenger or driver therefor, within this State, to keep a register in said mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, theatre, concert hall or place of amusement, factory or workshop in which said minors shall be employed or permitted or suffered to work, in which register shall be recorded the name, age and place of residence of every child employed or suffered or permitted to work there, or as messenger or driver therefor, over the age of fourteen and under the age of 16 years; and it shall be unlawful for any person, firm or corporation agent or manager of any firm or corporation to hire or employ, or permit or suffer to work in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley; theatre, concert hall or place of amusement, passenger or freight elevator, factory or workshop, or as messenger or driver therefor, any child under the age of 16 years and over 14 years of age, unless there is first produced and placed on file in such mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, factory or workshop, theatre, concert hall or place of amusement, an age and school certificate approved as hereinafter provided.

Registers.

SEC. 5. Every person, firm or corporation, employing or permitting or suffering to work five or more children under the age of 16 years and over the age of 14 in any mercantile institution, store, office, laundry, hotel, manufacturing establishment, factory or workshop, shall post and keep posted in a conspicuous place in every room in which such help is employed, or permitted or suffered to work, a list containing the name, age and place of residence of every person under the age of 16 years employed, permitted or suffered to work in such room.

List to be posted.

SEC. 6. No child permitted to be employed under this act shall be employed in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, theatre, concert hall, or place of amusement, passenger or freight elevator, factory or workshop, or as messenger or driver therefor, unless there is first produced and placed on file in such mercantile institution, store, office, hotel, laundry, manufacturing establishments, bowling alley, theatre, concert hall or place of amusement, factory or workshop, and accessible to the State factory inspector, assistant factory inspector or deputy factory inspector, an age and school certificate as hereinafter prescribed; and unless there is kept on file and produced on demand of said inspectors of factories a complete and correct list of all the minors under the age of 16 years so employed who can not read at sight and write legibly simple sentences, unless such child is attending night school as hereinafter provided.

Certificates.

SEC. 7. An age and school certificate shall be approved only by the superintendent of schools or by a person authorized by him in writing; or where there is no superintendent of schools, by a person authorized by the school board: *Provided*, That the superintendent or principal of a parochial school shall have the right to approve an age and school certificate, and shall have the same rights and powers as the superintendent of public schools to administer the oaths therein provided for children attending parochial schools: *Provided further*, That no member of a school board or other person authorized as aforesaid shall have au-

Issue.

thority to approve such certificates for any child then in or about to enter his own establishment, or the employment of a firm or corporation of which he is a member, officer or employe. The person approving these certificates shall have authority to administer the oath provided herein, but no fee shall be charged therefor. It shall be the duty of the school board or local school authorities to designate a place (connected with their office, when practicable) where certificates shall be issued and recorded, and to establish and maintain the necessary records and clerical service for carrying out provisions of this act.

**Proof of age.** SEC. 8. An age and school certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the certificate of birth or baptism of such child, the register of birth of such child with a town or city clerk, or by the records of the public or parochial schools, that such child is of the age stated in the certificate: *Provided*, That in cases arising wherein the above proof is not obtainable, the parent or guardian of the child shall make oath before the juvenile or county court or any officer thereof as to the age of such child, and the court may issue to such child an age certificate as sworn to.

**Form of certificates.** SEC. 9. The age and school certificate of a child under 16 years of age shall not be approved and signed until he presents to the person authorized to approve and sign the same a school attendance certificate, as hereinafter prescribed, duly filled out and signed. A duplicate of such age and school certificate shall be filled out and shall be forwarded to the State factory inspectors office. Any explanatory matter may be printed with such certificate, in the discretion of the school board or superintendent of schools. The employment and the age and school certificates shall be separately printed and shall be filled out, signed and held or surrendered as indicated in the following forms:

SCHOOL CERTIFICATE.

(Name of school.) (City or town and date.)

This certifies (name of minor) of the ----th grade, can read and write legibly simple sentences. This also certifies that according to the records of this school, and in my belief, the said (name of minor) was born at (name of city or town), in (name of county), on the (date) and is now (number of years and months) old.

(Name of parent or guardian)  
(Residence.)

(Signature of teacher) ---- grade.  
(Name of principal.)

EVENING SCHOOL ATTENDANCE CERTIFICATE.

(Date.)

This certifies that (name of minor) is registered in and regularly attends-----evening school. This also certifies that according to the records of my school and in my belief the said (name of minor) was born at (name of city or town), on the----day of (years), and is now (number of years and months) old.

(Name of parent or guardian.)  
(Residence.)

(Signature of teacher.)  
(Signature of principal.)

AGE AND SCHOOL CERTIFICATE.

This certifies that I am (father, mother, guardian or custodian) of (name of minor), and that (he or she) was born at (name of town or city), in the (name of county, if known) and State and county of-----, -----, on the (day of birth and year of birth) and is now (number of years and months) old.

(Signature of parent, guardian or custodian.)  
(City or town and date.)

There personally appeared before me the above named (name of person signing) and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge. I hereby approve the foregoing certificate of (name of child) height (feet and inches), weight— complexion (fair or dark), hair (color), having no sufficient reason to doubt that (he or she) is of the age therein certified.

This certificate belongs to (name of child in whose favor it is drawn) and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same; but if not claimed by said child within thirty days from such time it shall be returned to the superintendent of schools, or where there is no superintendent of schools, to the school board. (Signature of person authorized to approve and sign, with official character authority) (town or city and date).

Owner of certificate.

In the case of a child who cannot read at sight and write legibly simple sentences the certificate shall continue as follows: after the words sentences: "I hereby certify that (he or she) is regularly attending the (name of public or parochial evening school)." This certificate shall continue in force just as long as the regular attendance of said child at said evening school is certified weekly by the teacher and principal of such school.

Illiterates.

In any city or town in which there is no public or parochial evening school, an age and school certificate shall not be approved for a child under the age of 16 years who can not read at sight and write legibly simple sentences, the certificate of the principal of a public or parochial school shall be prima facie evidence as to the literary or illiteracy of the child.

SEC. 10. No person shall employ any minor over 14 years of age and under 16 years, and no parent, guardian or custodian shall permit to be employed any such minor under his control who can not read at sight and write legibly simple sentences, while a public evening school is maintained in the town or city in which such minor resides, unless such minor is a regular attendant at such evening school.

Attendance on evening schools.

SEC. 11. The State inspector of factories, his assistants or deputies, shall visit all mercantile institutions, stores, offices, laundries, manufacturing establishments, bowling alleys, theatres, concert halls or places of amusements, factories or workshops, and all other places where minors are or may be employed in this State, and ascertain whether any minors are employed contrary to the provisions of this act. Inspectors of factories may require that age and school certificates, and all lists of minors employed in such factories, workshops, mercantile institutions and all other places where minors are employed as provided for in this act, shall be produced for their inspection on demand: *And, provided, further,* That upon written complaint to the school board or local school authorities of any city, town, district or municipality, that any minor (whose name shall be given in such complaint) is employed in any mercantile institution, store, office, laundry, manufacturing establishment, bowling alley, theatre, concert hall or place of amusement, passenger or freight elevator, factory or workshop, or as messenger or driver thereof, contrary to the provisions of this act, it shall be the duty of such school board or local school authority to report the same to the State inspector of factories.

Duty of inspectors.

SEC. 12. No person under the age of 16 years shall be employed or suffered or permitted to work at any gainful occupation more than forty-eight hours in any one week, nor more than eight hours in any one day; or after the hour of 8:00 o'clock in the evening. Every employer shall post in a conspicuous place in every room where such minors are employed a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or other meals begins and ends. The printed form of such notice shall be furnished by the State inspector of factories, and the employment of any such minor for

Hours of labor.

Night work.

longer time in any one day so stated shall be deemed a violation of this section.

**Evidence.** Sec. 13. The presence of any person under the age of 16 years in any manufacturing establishment, factory or workshop shall constitute prima facie evidence of his or her employment therein.

**Enforcement.** Sec. 14. It shall be the special duty of the State factory inspector to enforce the provisions of this act and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in this State. It shall be the duty of the State factory inspector, assistant State factory inspector and deputy State factory inspectors under the supervision and direction of the State factory inspector, and they are hereby authorized and empowered to visit and inspect, at all reasonable times, and as often as possible, all places covered by this act: *Provided*, That this act shall not be construed to repeal any law of this State imposing duties or responsibilities upon any other officer or person to make inspections or bring prosecutions for the violation of any school law or any other law of this State for the protection of children.

**Exemptions;** **concerts, etc.** Sec. 15. Any child may be exempted from the provisions of this act concerning the employment of children in any concert or theatrical exhibition or performance in any place where intoxicating liquors are not sold, and between the ages of fourteen and sixteen, from any other provisions of this act, except the provisions of section three (3), on the following conditions: Any such child, its parent or person seeking to employ such child shall file an application in writing with the city superintendent of schools if there be any such city superintendent of schools—and if not, then with the county superintendent of schools, or any person deputized by them to receive and act upon such application, stating his or her age, residence, address, school attendance, grade, names of parent, parents or guardian, and in detail the nature of employment sought, the number and character of the performances, the kind of work required and the name of the employer, and such facts as may be required to enable such person to pass intelligently upon such application. Within not less than 48 hours of the filing of such application, it shall be the duty of such officer to hear and determine such application, and if the same shall be granted, such officer granting the same, shall issue a written permit to such child, stating therein his reasons for such permit. If such application is refused, the child or the person making the same for the child shall be entitled upon demand, within 24 hours after such refusal, to be furnished with a written statement of the reasons of such officer for refusing to issue such permit. An appeal may be taken from the decision of such officer so passing upon such application to the county or juvenile court of the county in which such application is made, upon such child, its parent or guardian or any person interested in the protection of such child filing a brief written petition with the clerk of said court, with a copy of such refusal to grant such permit: *Provided*, Such appeal is taken within ten days after the refusal to issue such permit. No fee shall be charged for any such application or on account of any such appeal. No permit shall be granted under the provisions of this section to any child to be employed in any concert or theatrical exhibition or performance unless it shall be made to appear that suitable provisions have been made by the employer of such child for the protection of the moral and physical health and the education of such child. The person passing upon such application or any court before whom such matter may be brought for final determination, may, as a condition to granting such permit, make such reasonable terms and conditions as shall seem necessary and proper for safeguarding the moral and physical health of such child and giving it such educational advantages as may seem to be for its best interests. And it shall be lawful to attach as a condition to any such permit mentioned in this section a written promise of the employer of such child to comply with the terms thereof and a

bond or undertaking to the people of the State of Colorado in the penal sum to be fixed by the court, not exceeding two thousand dollars (\$2,000), with one or more sureties may be required by the court of such employer conditioned that he will faithfully carry out the terms and conditions upon which such permit may be granted. Permits or copies certified to as correct by the authorities issuing the same granting exemptions from this act for children to appear in any concert or theatrical performance shall be kept on file at the box office of concert halls or theatre in which any such child may appear under such permits. All such permits shall be subject to inspection by the humane society and probation officers and factory inspectors. Any person may apply to the county juvenile court to have the exemption permitted by this act revoked by such court by filing with the clerk of the court a short petition setting up the facts showing that the conditions of the permit granting such exemption have been violated, or that it is not for the best interest of such child to have such permit or exemption. Whereupon, the court shall issue a summons or notice to such child and to at least one of its parents or guardian, if there be such parent or guardian in the county, requiring them to appear before such court within not less than forty-eight hours to show cause why the prayer of such petition should not be granted or such permit or exemption should not be revoked. During that part of the months of June, July and August when the public schools are not in regular session, children over twelve years of age shall be entitled to exemptions from the provisions of this act, permitted by section fifteen, upon complying with the conditions and receiving the permit provided for in said section.

SEC. 16. Whoever, having under his control a child under the age of 16 years, permits such child to be employed in violation of the provisions of this act, shall for each offense be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and shall stand committed until such fine and costs are paid. A failure to produce to the inspector of factories, his assistant or deputies, any age and school certificates or lists required by this act, shall constitute a violation of this act, and the person so failing shall, upon conviction, be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense. Every person authorized to sign the certificate prescribed by section 7 of this act, who certifies to any materially false statement therein, shall be guilty of a violation of this act, and upon conviction be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100) for each offense, and shall stand committed until such fine and costs are paid. Any person, firm or corporation, agent or manager, superintendent or foreman of any firm or corporation, whether for himself or for such firm or corporation, or by himself or through subagents or foreman, superintendent or manager, who shall violate or fail to comply with any of the provisions of this act, or shall refuse admittance to premises, or otherwise obstruct the factory inspector, assistant factory inspector or deputy factory inspector in the performance of their duties, as prescribed by this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100) for each offense, and shall stand committed until such fine and costs are paid.

It is the intention and purpose of this act to extend personal responsibility to the president and general manager of any corporation for violation of this act by any foreman, superintendent or submanager or subagent.

Who liable.

SEC. 17. Any person, agent, firm or corporation who shall be convicted of a second violation of any provision of this act, shall be fined in a sum not less than one hundred dollars (\$100), or more than five hundred dollars (\$500) or be imprisoned in the county jail for not to exceed ninety (90) days or by both such fine and imprisonment, in the discretion of the court.

Second offenses.

**Construction.** SEC. 19. This act shall not be construed to repeal any part of an act to compel the elementary education of children in school districts of the first and second class, as approved April 12, 1899, and as amended and approved March 7, 1903, [.] \* \* \*

Nothing in this act shall be construed to repeal any act or law of this State concerning the dependency or delinquency of children or persons causing, encouraging or contributing thereto.

Approved May 30, 1911.

CHAPTER 113.—*Liability of employers for injuries to their employees.*

**Acts of fellow servants.** SECTION 1. Every corporation or company which or individual who may employ agents, servants or employees, such agents, servants or employees being in the exercise of due care, shall be liable to respond in damages for injuries or death sustained by any such agent, servant or employee resulting from the carelessness, omission of duty or negligence of such employer, or which may have resulted from the carelessness, omission of duty or negligence of any other agent, servant or employee of the said employer, in the same manner and to the same extent as if the carelessness, omission of duty or negligence causing the injury or death was that of the employer.

**Injuries causing death.** SEC. 2. Whenever the death of a person shall be caused by an act of carelessness, omission of duty or negligence as provided in the preceding section, then, and in every such case, the corporation or company which, or individual who, would have been liable, if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the party injured, and in every such case the jury may give such damages as they deem fair and just, not exceeding the sum of five thousand dollars, with reference to the necessary injury resulting from such death, to the party or parties who may be entitled to sue hereunder.

**Damages.**

**Who may sue.** SEC. 3. Every such action shall in case of death be maintained,

First; by the husband or wife of the deceased, or

Second: If there be no husband or wife, or if he or she fails to sue within one year after such death, then by the children of the deceased or their descendants, or

Third; If such deceased be a minor or unmarried, without issue, then by the father or mother, or by both jointly, or

Fourth; If there be no such person entitled to sue then by such other next of kin of the deceased as may be dependent upon deceased for support.

Every such action, in case of death, may be maintained by any such person entitled to sue, for the use and benefit of the other or others so entitled to sue, as well as for the plaintiff so suing, and the verdict of the jury and the judgment of the court shall, in such case, specify the amount of damages awarded to each such person, and if any such actions be separately brought, the same be consolidated with the action so first commenced in the court that shall have jurisdiction of said actions, when so consolidated.

**Limitations.**

SEC. 4. All actions provided for by this act shall be brought within two years from the time of the accident causing the injury, if death does not ensue, or within two years from the time of death, in case of injury resulting in death. The amount of compensation recoverable under this act in case of personal injury resulting solely from the negligence of a coemployee shall not exceed the sum of five thousand dollars.

Approved May 27, 1911.

CHAPTER 132.—*Inspection of factories and workshops.*

**Department of factory inspection.** SECTION 1. There is hereby established a separate and distinct department to be known as the Department of Factory Inspection of the State of Colorado, which department shall be charged with the inspection of all factories, mills, workshops, bakeries, laundries, stores, hotels, boarding or bunk houses, or any kind of an

establishment wherein laborers are employed or machinery used, for the purpose of protecting said employees or guests against damages arising from imperfect or dangerous machinery, or hazardous and unhealthy occupation and regulating sanitary conditions under which guests are protected or laborers are employed by providing individual towels in place of roller towels in hotel wash rooms, and nine-foot top sheets for beds, which sheets shall be provided not later than September 1, 1911.

\* \* \* \* \*

Sec. 2. Any person, firm, corporation or association operating a factory, mill, workshop, bakery, laundry, store, hotel or any kind of an establishment wherein laborers are employed, or machinery used shall provide and maintain in use belt shifters or other mechanical contrivance for the purpose of throwing on or off belts or pulleys while running, where the same are practicable with due regard to the nature and purpose of said belts and the dangers to employees therefrom; also reasonable safeguards for all vats, pans, trimmers, cut-offs, gang edger and other saws, planers, cogs, gearings, beltings, shafting, coupling, set screws, line rollers, conveyors, manglers in laundries, and machinery of other or similar description, which it is practicable to guard, and which can be effectively guarded with due regard to the ordinary use of such machinery and appliances, and the dangers to employees therefrom, and with which the employees of any such factory, mill, or workshop are liable to come in contact while in the performance of their duties; and if any machinery, or any part thereof, is in a defective condition, and its operation would be extra hazardous because of such defect, or if any machinery is not safeguarded as provided in this act, the use thereof is prohibited, and a notice to that effect shall be attached thereto by the employer immediately upon receiving notice of such defect or lack of safeguard, and such notice shall not be removed until said defect has been remedied or the machine safeguarded as herein provided.

Guards for  
dangerous ma-  
chinery.

Sec. 3. Any person, firm, corporation or association operating a factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed, or machinery used and manual labor is exercised by the way of trade for the purpose of gain within an enclosed room (private houses in which the employees live excepted) shall be provided in each workroom thereof with good sufficient ventilation and kept in a clean and sanitary state, and shall be so ventilated as to render harmless, so far as practicable, all gases, vapors, dust or other impurities, generated in the course of the manufacturing or laboring process carried on therein; and if any factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed or machinery used in any enclosed rooms thereof by which dust is generated and inhaled to an injurious extent by the persons employed therein, conveyors, receptacles or exhaust fans, or other mechanical means shall be provided and maintained for the purpose of carrying off or receiving and collecting such dust.

Ventilation.

Sec. 4. The openings of all hoistways, hatchways, elevators and well holes and stairways in factories, mills, workshops, bakeries, laundries, stores, hotels, or any kind of an establishment wherein laborers are employed, or machinery used, shall be protected by good and sufficient trap doors, hatches, fences, gates or other safeguards, and all due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same opened that the same may be used.

Hoist ways,  
etc.

Sec. 5. It shall be the duty of the chief factory inspector, by himself or his duly appointed deputy, to examine as soon as may be after the passage of this act, and thereafter annually, and from time to time, all factories, mills, workshops, bakeries, stores, hotels, or any kind of an establishment wherein laborers are employed or machinery used or appliances therein contained to

Inspection.

which the provisions of this act are applicable, for the purpose of determining whether they do conform to such provisions, and to granting or refusing certificates of approval, as hereinafter provided.

- Notices by employees.** SEC. 6. Any employee of any person, firm, corporation or association operating a factory, mill, workshop, bakery, laundry, store, hotel or any kind of an establishment wherein laborers are employed or machinery used shall notify his employer of any defect in, or failure to guard the machinery, appliances, ways, works or plants, on which or in or about which he is working, when any such defect or failure to guard shall come to the knowledge of any said employee, and if such employer shall fail to remedy such defect then said employee may complain in writing to the chief factory inspector of any such alleged defect in or failure to guard the machinery, appliances, ways, works, and plants, or any alleged violation by such person, firm, corporation or association, of any of the provisions of this act, in the machinery and appliances and premises used by such person, firm, corporation or association and with or about which said employee is working and upon receiving such complaint it shall be the duty of the chief factory inspector, by himself or his deputy, to forthwith make an inspection of the machinery and appliances complained of.
- Certificates of inspection.** SEC. 7. Whenever upon any examination or reexamination of any factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed, or machinery used to which the provisions of this act are applicable, the property so examined and the machinery and appliances therein conform in the judgment of said chief factory inspector to the requirements of this act, he shall thereupon issue to the owner, lessee or operator of any such storehouse, factory, mill, workshop, bakery, laundry, hotel, or any kind of an establishment wherein laborers are employed or machinery used a certificate to that effect, and such certificate shall be prima facie evidence as long as it continues in force of compliance on part of the person, firm, corporation or association to whom it is issued, with the provisions of this act. Such certificate may be revoked by said chief factory inspector at any time upon written notice to the person, firm, corporation or association holding the same whenever in his opinion after reexamination, condition and circumstances have so changed as to justify the revocation thereof.
- Revocation.** A copy of said certificate shall be kept posted in a conspicuous place on every floor of all factories, mills, workshops, bakeries, laundries, stores, hotels, or any kind of an establishment wherein laborers are employed or machinery used to which the provisions of this act are applicable. If, in the judgment of the said chief factory inspector, such factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed or machinery is used does not conform to the requirements of this act he shall forthwith personally or by mail serve on the person, firm, corporation or association operating or using such machinery or appliances or occupying such premises a written statement of the requirements of said chief factory inspector, before he will issue a certificate as hereinbefore provided for; and upon said requirements being complied with within a period of thirty days after said written statement has been served as aforesaid the said chief factory inspector shall forthwith issue such certificate; but if the person, firm, or corporation operating or using said machinery and appliances or occupying such premises shall consider the requirements of said chief factory inspector unreasonable and impracticable or unnecessarily expensive, he may within ten days after the requirements of said chief factory inspector have been served upon him, appeal therefrom or from any part thereof to three arbitrators to whom shall be submitted the matters and things in dispute, and their findings shall be binding upon said applicant and upon the chief factory inspector. Such appeal shall be in writing, addressed to
- Posting.**
- Orders.**
- Appeals.**

the chief factory inspector and shall set forth the objections to his requirements, or any part thereof, and shall mention the name of one person who will serve as a representative of said applicant calling for arbitration. Immediately upon the receipt of such notice of appeal, it shall be the duty of the chief factory inspector to appoint a competent person as arbitrator resident in the county from which such appeal comes, and to notify such person so selected, and also the party appealing, stating the cause of the arbitration, and the place, date and time of meeting. These two arbitrators shall select the third within five days and within ten days thereafter, give a hearing on the matters of said appeal, and the finding of those arbitrators by a majority vote shall be reported to the chief factory inspector and to the applicant and shall be binding upon each. The expense of such arbitration shall be borne by the party calling for the arbitration; and if said arbitrators sustain the requirements of said chief factory inspector or any part thereof, said applicant shall within thirty days comply with the findings of said arbitrators, and thereupon said chief factory inspector shall issue a certificate as hereinbefore provided (in section 5 of this act); but if said arbitrators shall sustain such appeal or any part thereof, the same shall be binding upon said chief factory inspector and any such person, firm, corporation or association shall within thirty days after the finding of the board of arbitrators, comply with the requirements of the chief factory inspector, as amended by said arbitrators, if so amended as herein provided for, and thereupon said chief factory [inspector] shall forthwith issue to any such person, firm, corporation or association, his certificate as provided for in section five of this act: *Provided*, That in case such arbitrators shall decide against such chief factory inspector, the cost of such arbitration shall be paid out of the funds for such purposes. In case the chief factory inspector is sustained in part by the arbitrators, the cost of the arbitration shall be divided equitably, in proportion to that decision, the appellant paying such share as the arbitrators may deem fair, the rest to be paid out of said fund.

Arbitration.

SEC. 8. In all factories, mills, workshops, offices, bakeries, laundries, stores, hotels, or any other buildings in which people are employed at manual or other labor, proper and sufficient means of escape in case of fire shall be provided by more than one way of egress, and such means of escape shall at all times be kept free from any obstruction; in good repair and ready for use; and at night, or where lights are necessary in the daytime, a red light shall be provided with the words inscribed thereon "Fire escape." All doors leading into or to such factories, workshops, offices, bakeries, mills, laundries, stores, hotels, or other buildings in which people are employed at manual or other labor, shall be so constructed as to open outward when practicable, and shall not be locked, bolted or fastened during working hours as to prevent free egress. Proper and substantial handrails shall be provided on all stairways and in factories, hotels, mills and workshops and other buildings where people are employed at manual or other labor. And in all factories, laundries, mills and workshops in which females are employed the stairs regularly used by them shall be properly screened at the sides and bottom: *And be it further provided*, That hotels, boarding or bunk houses of more than one story shall have a hemp rope in each room of not less than three-quarters ( $\frac{3}{4}$ ) inch in thickness, the same to be firmly attached to wall in such manner that it may be thrown out of the window instantly to allow persons in case of fire, etc., to descend to the ground. The rope must have a knot tied in it at spaces of not more than eighteen (18) inches apart; the ropes to be placed in every room above the second floor: *Provided*, That any rope, ladder or device for the protection of guests may be used upon approval by the chief factory inspector.

Provisions in case of fire.

Doors to open outward.

Stairways.

SEC. 9. In any factory, mill, workshop, office, bakery, laundry, store, hotel, or other building of three or more stories in height,

Fire escapes.

[where] proper and sufficient means of escape in case of fire are not provided as required by preceding section of this act, the owner or occupant of said building upon notice by the chief factory inspector or any deputy factory inspector employed in the bureau of labor statistics shall construct one or more fire escapes as the same may be found necessary and sufficient. Said fire escape or fire escapes, shall be provided on the outside of such factories, mills, workshops, offices, bakeries, laundries, stores, hotels, or other buildings, connecting with each floor above the first; well fastened and secured and of sufficient strength. Each of such fire escapes shall have landings or balconies not less than six feet in length and three in width, guarded by iron railings not less than three feet in height and embracing at least two windows at each story, and connecting with the interior by easily accessible and unobstructed openings; and the balconies or landings shall be connected by iron stairs not less than 24 inches wide, and the steps to be not less than eight inches tread, placed at not more than an angle of forty-five degrees slant, and protected by well secured handrails on both sides, with a twelve-inch wide drop ladder from the lower platform reaching to the ground. Any fire escape so constructed shall be sufficient. Any other plan for style of fire escape shall be sufficient if approved by the chief factory inspector, but if not so approved the said chief factory inspector or one of the deputy factory [factory] inspectors may notify the owner, proprietor or lessee of such factory, mill, workshop, office, bakery, laundry, store, hotel, or other building in which factory or workshop is conducted, or the agent or the superintendent, or either of them, in writing, that any such style of fire escape is not sufficient and he may issue an order in writing requiring one or more fire escapes as he shall deem necessary and sufficient to be provided for such factory, mill, workshop, office, bakery, laundry, store, hotel or other buildings in which people are employed at manual or other labor at such location and of such plan and style as shall be specified in such written order. Within thirty days after the service of such order the number of fire escapes required in such order for such factory, mill, workshop, office, bakery, laundry, store, hotel, or other building, shall be provided therefor, each of which will be either of the plan and style and in accordance with the specifications in said order required or the plan and style in this section above described and declared sufficient.

The windows and doors of each fire escape shall be located as far as possible consistent with accessibility from the stairways and elevators, hatchways or openings, and the ladder thereof shall extend to the roof.

**Ladders to roof.** Stationery [stationary] stairs or ladders shall be provided on the inside of each such factory, mill, workshop, office, bakery, laundry, store, hotel or other buildings where people are employed at manual or other labor from the upper story to the roof as a means of escape in case of fire.

**Water-closets.** SEC. 10. Every factory, workshop, office, bakery, laundry, store, hotel, or other building in which four or more persons are employed shall be provided within reasonable access with a sufficient number of water-closets, earth closets or privies, for the reasonable use of the persons therein; and whenever male or female persons are employed as aforesaid together, water-closets, earth closets or privies separate and apart shall be provided for the use of each sex and plainly so designated, and no person shall be allowed to use such closets or privy assigned to the other sex. Such closets shall be properly screened and ventilated and at all times kept in a clean and good sanitary condition.

**Dressing rooms.** In factories, laundries, mills, and workshops and in all other places where the labor performed by the operator is of such character that it becomes desirable or necessary to change the clothing wholly or in part before leaving the building at the close of the day's toil, separate dressing rooms shall be provided

for women and girls whenever so required by the factory inspector. It shall be the duty of every occupant, whether owner or lessee of any premises so used as to come within the provisions of this act to carry out the same and to make all the changes and additions necessary therefor. In case such changes are made upon the order of the chief factory inspector or of a factory inspector by the lessee of the premises he may at any time within thirty (30) days after the completion thereof bring an action before any justice of the peace, county or district court, having competent jurisdiction against any person having an interest in such premises and may recover such portion of the expense of making such changes and in addition as the court adjudges should justly and equitably be borne by such defendant.

SEC. 11. In all actions brought to recover damages for personal injuries or death caused by reason of the violation of any of the provisions of this act, it shall be sufficient for the plaintiff to prove in the first instance, in order to establish the liability of the defendant, that the death or injury complained of resulted in consequence of the failure of the person owning or operating the manufacturing establishment where such death, or injury occurred to provide said establishment with safeguards as required by this act, or that the failure to provide such safeguards directly contributed to such death or injury.

Manufacturing establishments, as those words are used in this act, shall mean and include all smelters, oil refineries, cement works, mills of every kind, machine and repair shops, and in addition to the foregoing, any other kind or character of manufacturing establishment, of any nature or description whatsoever, wherein any natural product or other articles or materials of any kind, in a raw or unfinished or incomplete state or condition, are converted into a new or improved or different form.

Wherever the expression occurs in this act in substantially the following words: "Every person owning or operating any manufacturing establishment," or where language similar to that is used, the word "person" in that connection shall be held and construed to mean any person or persons, partnership, corporation, receiver, trust, trustee, or any other person or combination of persons, either natural or artificial, by whatever name he or they may be called.

SEC. 12. The chief factory inspector or any employee of the department of factory inspection shall have power to enter any factory, mill, workshop, office, bakery, laundry, store, hotel, or any public or private works where labor is employed or machinery used. Any person, persons, firm, copartnership, corporation, trust, trustee, their agent, or agents, who shall refuse to allow an inspector or employee of the said department to enter or who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars or be imprisoned in the county jail not to exceed ninety (90) days for each and every offense.

Approved June 5, 1911.

#### CHAPTER 143.—*Garnishment of wages—Municipal employees.*

SECTION 1. Section \* \* \* [131, Revised Statutes of 1908] is hereby amended so as to read as follows:

All counties, school districts and municipal corporation[s] shall be subject to garnishment upon writs of attachment and execution in the same manner that private corporations and persons, are now, or may hereafter be subject to garnishment under such writs.

It is hereby declared that no provision of this act is contrary to public policy, and that the provisions of this act are meant to apply to all salaries, wages, credits, moneys, and all choses in action, whether the collection of the same might be enforced by any

Damages.

Evidence.

Definitions.

Powers of factory inspector.

Wages subject to garnishment.

action in court, by a writ of mandamus, or in any manner whatsoever.

Approved May 28, 1911.

CHAPTER 149.—*Hours of labor in mines, smelters, etc.—Eight-hour day.*

- Injurious employments.** SECTION 1. Employment in all underground mines, underground workings, open cut workings, open pit workings, smelters, reduction works, stamp mills, concentrating mills, chlorination processes, cyanide processes and coke ovens, is hereby declared to be injurious to health and dangerous to life and limb.
- Eight-hour day.** SEC. 2. The period of employment of men working in all underground mines, underground workings, open cut workings, open pit workings, smelters, reduction works, stamp mills, concentrating mills, chlorination processes, cyanide processes and coke ovens shall not exceed eight (8) hours within any twenty-four (24) hours except in cases of emergency where life or property is in imminent danger.
- Violations.** SEC. 3. Any person, persons, body corporate, general manager or employer who shall violate or cause to be violated 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 two hundred and fifty dollars (\$250) nor more than five hundred dollars (\$500), or by imprisonment in the county jail not less than ninety (90) days nor more than six (6) months or by both such fine and imprisonment. Every day's violation of the provisions of this act shall constitute a separate offense.

Approved June 2, 1911.

CHAPTER 160.—*Employment of labor—Notice of labor disputes.*

- False representations.** SECTION 1. It shall be unlawful for any person, persons, company, corporation, society, association or organization of any kind doing business in this State, by himself, themselves, his, its or their agents or attorneys, to induce, influence, persuade or engage workmen to change from one place to another in this State, or to bring workmen of any class or calling into this State to work in any of the departments of labor in this State, through or by means of false or deceptive representations, false advertising or false pretenses concerning the kind and character of the work to be done, or amount and character of the compensation to be paid for such work, or the sanitary or other conditions of the employment, or as to the existence or nonexistence of a strike or lockout pending between employer and employee, or failure to state in any advertisement, proposal, or contract for the employment that there is a strike, lockout, or other labor troubles at the place of the proposed employment, when in fact such strike, lockout or other labor troubles then actually exist at such place, shall be deemed as false advertisement and misrepresentation for the purposes of this act.
- Failure to give notice of strikes, etc.**
- Violations.** SEC. 2. Any person or persons, company, corporation, society, association or organization of any kind doing business in this State, as well as his, their, or its agent, attorneys, servants or associates, found guilty of violating Section 1 of this act, or any part thereof, shall be fined not exceeding \$2,000 or confined in the county jail not exceeding one year, or both, where the defendant or defendants is or are a natural person or persons.
- Hiring armed guards.** SEC. 3. Any person or persons who shall hire, aid, abet or assist in hiring, through agencies or otherwise, persons to guard with arms or deadly weapons of any kind other persons or property in this State, or any person or persons who shall come into this State armed with deadly weapons of any kind for any such purpose, without a permit in writing from the governor of this State, shall be guilty of a felony, and on conviction thereof shall be imprisoned in the penitentiary not less than one year nor more than five years; *Provided*, That nothing contained in this act

shall be construed to interfere with the right of any person, persons, or company, corporation, society, association or organization in guarding or protecting their private property or private interests, as is now provided by law; but this act shall be construed only to apply in cases where workmen are brought into this State, or induced to go from one place to another in this State, by any false pretenses, false advertising or deceptive representations, or brought into this State under arms, or removed from one place to another in this State, under arms.

SEC. 4. Any workman of this State, or any workman of another State who has or shall be influenced, induced or persuaded, to engage with any persons mentioned in section 1 of this act, through or by means of any of the things therein prohibited, each of such workmen shall have a right of action for recovery of all damages that each such workman has sustained in consequence of the false or deceptive representations, false advertising and false pretenses used to induce him to change his place of employment, against any person or persons, corporations, companies or associations, directly or indirectly, causing such damages; and, in addition to all actual damages such workmen may have sustained, shall be entitled to recover such reasonable attorney's fees as the court shall fix, to be taxed as costs in any judgement recovered.

Right to damages.

Approved April 3, 1911.

CHAPTER 221.—*Employment of labor in State tunnel.*

SECTION 6. \* \* \* Such contract or contracts [by the State tunnel commission for the construction of a railway tunnel through James Peak] must provide that any and all persons employed or engaged in work and labor in or about the tunnel or in connection therewith, except such men as may apply of their own volition, shall be directly employed through or by means of the Colorado free employment offices created and established by the State of Colorado and conducted under its auspices, that eight hours out of every twenty-four hours shall be and constitute a day's work for any and all such persons so employed or engaged in such work, labor in about or in connection with said tunnel, and that all miners, muckers, trammers, motormen, machine men, engineers, linemen, carpenters, timbermen, electricians, and all other workmen of any nature, kind or description shall receive as compensation for each day's work of eight hours as above provided not less than the wages paid for similar work in the Cripple Creek district of the State of Colorado, and in no event shall any of these employees receive less than three (\$3.00) dollars per day, in tunnel bonds, and the contractor shall redeem them at not less than par.

How employees are to be procured.

Eight-hour day.

Wages.

Sanitation.

Such contract or contracts shall also provide that every effort will be made to provide for the most complete and effective scientific sanitation in and about the tunnel and its approaches, and all buildings, structures, tents, camps or other places where the persons employed in or about the tunnel live, work, or assemble for recreation or pleasure and that no opposition will be offered or obstacle interposed to as frequent inspection as the commissioner of mines or the labor commissioner may deem necessary or desirable of the tunnel and its workings, buildings, dwellings or other places used by the employees in and about their work or labor and that they will recognize and consent to the application of the so-called factory inspection laws to any and all work and work places, buildings, machinery, appliances and generally to the entire enterprise from its commencement to its completion. The further form and terms of said contract with said contractor or contractors shall be determined by the tunnel commission, which shall require a good and sufficient bond for the faithful performance of all contracts.

Filed in the office of secretary of state June 5, A. D. 1911.

CHAPTER 231.—*Workmen's compensation commission.*

- Commission appointed. SECTION 1. Platt Rogers, as a representative of the bar of the State of Colorado; John G. Osgood, as a representative of the employers of labor; Jas. Dalrymple, as a representative of labor, Harvey E. Garman, a member of the senate, and John F. Pearson, a member of the house of representatives, be and they are hereby designated and made a commission, to be known as the employees' compensation commission.
- Duties. SEC. 2. It shall be the duty of said commission to make inquiry into the subject of compensation to employees for injuries received in the course of their employment, and particularly concerning the operation and effect of laws relating to the subject elsewhere, and to prepare and report to the next general assembly, if in their judgment it is wise, a bill for an act to compensate employees who are injured, and the families of those who are killed, by casualties occurring in the course of their employment.
- Expenses. SEC. 3. Said commission shall serve without pay, but its expenses, not to exceed one thousand (\$1,000.00) dollars, shall be paid by the State treasurer upon warrants drawn by the State auditor upon vouchers approved by the State auditing board.

Approved June 1, 1911.

CONNECTICUT.

ACTS OF 1911.

CHAPTER 44.—*Accident insurance.*

- Provisions of policy. SECTION 5. No policy of insurance against loss or damage from disease or by bodily injury by accident, or both, of the assured shall be issued or delivered in this State by any corporation authorized to do business in this State \* \* \* unless it contains, in substance, the following provisions: \* \* \* 6. A provision that, if the insured is injured or contracts disease after having changed his occupation to one classified by the corporation as more hazardous than that stated in the policy, or while he is doing any act or thing pertaining to any occupation so classified, except ordinary duties about his residence or while engaged in recreation, the corporation shall pay such proportion of the indemnities provided in the policy as the premium paid would have purchased at the rate but within the limits fixed by the corporation for such more hazardous occupation according to the corporation's rates and classification of risks filed with the insurance commissioner prior to the occurrence of the injury or the commencement of the disease for which indemnity is claimed: \* \* \* Nothing in this section, however, shall apply to or affect any general or blanket policy of insurance issued to any municipal corporation or any department thereof, or to any corporation, copartnership, association, or individual employer, police or fire department, underwriters' corps, salvage bureau, or like association or organization, where the officers, members, or employees, or classes or departments thereof, are insured against specified diseases or accidental bodily injuries while exposed to the hazards of the occupation or otherwise, in consideration of a premium intended to cover the risks of all the persons insured under such policy; \* \* \*
- Change of occupation. SECTION 6. A provision that, if the insured is injured or contracts disease after having changed his occupation to one classified by the corporation as more hazardous than that stated in the policy, or while he is doing any act or thing pertaining to any occupation so classified, except ordinary duties about his residence or while engaged in recreation, the corporation shall pay such proportion of the indemnities provided in the policy as the premium paid would have purchased at the rate but within the limits fixed by the corporation for such more hazardous occupation according to the corporation's rates and classification of risks filed with the insurance commissioner prior to the occurrence of the injury or the commencement of the disease for which indemnity is claimed: \* \* \* Nothing in this section, however, shall apply to or affect any general or blanket policy of insurance issued to any municipal corporation or any department thereof, or to any corporation, copartnership, association, or individual employer, police or fire department, underwriters' corps, salvage bureau, or like association or organization, where the officers, members, or employees, or classes or departments thereof, are insured against specified diseases or accidental bodily injuries while exposed to the hazards of the occupation or otherwise, in consideration of a premium intended to cover the risks of all the persons insured under such policy; \* \* \*
- Blanket policies. SECTION 7. Nothing in this section, however, shall apply to or affect any general or blanket policy of insurance issued to any municipal corporation or any department thereof, or to any corporation, copartnership, association, or individual employer, police or fire department, underwriters' corps, salvage bureau, or like association or organization, where the officers, members, or employees, or classes or departments thereof, are insured against specified diseases or accidental bodily injuries while exposed to the hazards of the occupation or otherwise, in consideration of a premium intended to cover the risks of all the persons insured under such policy; \* \* \*

Approved April 27, 1911.

CHAPTER 88.—*Wages as preferred claims—In administration.*

- SECTION 1. Section 345 of the General Statutes is hereby amended \* \* \* so that said section as amended shall read as follows:  
 Order of payment of debts. The executor or administrator shall render an account of such sales to the court of probate, which on the final settlement of the

estate shall direct the payment of claims against such estate to be made in the following order: First, the funeral expenses and the expenses of settling the estate; second, debts due for the last sickness of the deceased; third, all lawful taxes and all debts due to the State and to the United States; fourth, all debts due to any laborer or mechanic for personal wages for labor performed by such laborer or mechanic for the deceased within three months next preceding the decease of such person; fifth, other preferred claims; and last, all other debts allowed, in proportion to their respective amounts.

Approved June 8, 1911.

CHAPTER 100.—*Licensing of barbers.*

SECTION 1. Any person licensed to practice the occupation of barber in any State maintaining a board of examiners of barbers may, upon presenting to the board of examiners of barbers of this State satisfactory proof that he is so licensed in such other State, and upon payment of a registration fee of one dollar, be licensed to practice the occupation of barber in this State without conforming to the requirements of the laws of this State concerning the examination of barbers. Barbers from other States.

Approved June 22, 1911.

CHAPTER 101.—*Employment of females in saloons.*

SECTION 1. Section two of chapter 265 of the Public Acts of 1907 [prescribing who may be licensed to sell intoxicants] is hereby amended by inserting \* \* \* the words "and no female, unless she be the wife or daughter of the proprietor, shall be employed in any capacity in any licensed saloon, except in a hotel of established good reputation in which the county commissioners of the county shall have, in writing, authorized the employment of females," \* \* \* Employment restricted.

Approved June 22, 1911.

CHAPTER 119.—*Employment of children—General provisions.*

SECTION 1. No child under fourteen years of age shall be employed in any mechanical, mercantile, or manufacturing establishment. Every person, whether acting for himself or as agent for another, who shall employ or authorize or permit to be employed any child in violation of the provisions of this section shall be fined not more than one hundred dollars. Age limit.

SEC. 2. No child under sixteen years of age shall be employed in any mechanical, mercantile, or manufacturing establishment unless the employer of such child shall have first obtained a certificate, signed by the secretary or an agent of the State board of education, or by a school supervisor, school superintendent, supervising principal, or acting school visitor designated by said board, stating the date of the birth of such child, showing that such child is over fourteen years of age, and stating that such child is able to read with facility, to legibly write simple sentences, and to perform the operations of the fundamental rules of arithmetic with relation both to whole numbers and to fractions, and does not appear to be physically unfit for employment. Such certificate shall be in the form prescribed and upon a blank furnished by the State board of education, and shall be issued in triplicate; and one copy thereof shall be delivered to the parent or guardian of such child, one copy shall be delivered to the employer, and one copy shall be deposited in the office of the State board of education. Copies of such certificate shall be obtainable from the State board of education, upon application, at any time. The copy of such certificate delivered to the parent or guardian of the child may be accepted by the employer as a temporary certificate, good for one week, after which time it shall be returned to the parent or guardian of such child. Every person, whether Certificates required.

- Employment without certificate.** acting for himself or as agent for another, who shall employ or shall authorize or permit to be employed any child in violation of the provisions of this section, shall be fined not more than one hundred dollars. The secretary or the agent of the State board of education or the school supervisor, school superintendent, supervising principal, or acting school visitor to whom application shall be made for a certificate as provided in this section, shall have power to require all statements of fact offered in support of such application to be made under oath, and such oath may be administered by said secretary, or such agent, school supervisor, school superintendent, supervising principal, or acting school visitor, and said secretary, or any such agent, school supervisor, school superintendent, supervising principal, or acting school visitor may cause any child to be examined by a reputable physician, for the purpose of aiding him in determining whether such child is physically fit for employment, and may charge the expense of such physical examination against the State as a part of his expenses.
- Medical examination.** ex-
- Notices employers.** by **Sec. 3.** Every employer receiving a certificate issued under the provisions of this act shall promptly notify the State board of education, in writing, in the form prescribed and upon a blank furnished by said board, of the time of commencement of the employment of any child thereunder and, whenever such employment terminates before such child attains the age of sixteen years, of the time of the termination of such employment. Every person violating any provision of this section shall be fined not more than ten dollars.
- Prior regulations.** **Sec. 4.** The provisions of sections two and three of this act shall not apply to employers of children over fourteen years of age in cases in which the employment commenced prior to the date on which this act shall take effect and in which the employer has also complied with the requirements of the statutes in force at the time of the commencement of such employment.
- Files.** **Sec. 5.** Every employer or other person having control of any establishment or premises where children under sixteen years of age are employed who shall neglect to have and keep on file the certificate described in section two of this act or to show the same, with a list of the names of such children so employed, to the secretary or an agent of the State board of education, when demanded during the usual business hours, shall be fined not more than one hundred dollars.
- Other laws.** **Sec. 6.** The provisions of section 4707 of the General Statutes shall be applicable to sections one, two, and three of this act. Sections 4704, 4705, and 4706 of the General Statutes, chapter 75 of the Public Acts of 1903, chapter 115 of the Public Acts of 1905, and chapter 123 of the Public Acts of 1909 are hereby repealed.

Approved June 28, 1911.

CHAPTER 122.—*Actions for personal injury—Notice.*

[This chapter amends section 1130 of the General Statutes, providing for notice of accident and injury when a suit for damages is contemplated, by adding thereto the following:]

- Defective notices.** No notice given under the provisions of this section shall be held invalid or insufficient solely by reason of an inaccuracy in describing the injury or in stating the time, place, or cause of its occurrence, if it be shown that there was no intention to mislead, and that such railway or railroad company was not in fact misled thereby.

Approved June 28, 1911.

CHAPTER 123.—*Employment of children—Age limit in dangerous trades.*

- Employments forbidden to children under sixteen.** **SECTION 1.** No child under sixteen years of age shall be employed or permitted to work in operating or assisting in operating any of the following machines: Circular or band saws, wood

shapers, wood jointers, planers, sandpaper or wood-polishing machinery; picker machines or machines used in picking wool, cotton, fur, hair, or any upholstery material; paper-lace machines; burnishing machines in any tannery or leather manufactory; job or cylinder printing presses having motor power other than foot; wood turning or boring machinery; stamping machines used in sheet metal and tinware manufacturing or in washer or nut factories; machines used in making corrugating rolls; dough brakes or cracker machinery of any description; wire or iron straightening machinery; rolling mill machinery; power punches or shears; washing, grinding, or mixing machinery; calendar [calender] rolls in rubber manufacturing; or laundering machinery.

SEC. 2. No child under sixteen years of age shall be employed or permitted to work at adjusting or assisting in adjusting any belt to any machinery, or oiling or assisting in oiling, wiping, or cleaning machinery; or, in any capacity, in preparing any composition in which dangerous or poisonous acids are used; or in soldering; or in the manufacture or packing of paints, dry colors, or red or white lead; or in the manufacture, packing, or storing of powder, dynamite, nitroglycerin, compounds, safety fuses in the raw or unvarnished state, electric fuses for blasting purposes, or other explosives; or in or about any distillery, brewery, or other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled; and no female under sixteen years of age shall be employed or permitted to work in any capacity requiring such female to stand continuously.

Same.

SEC. 3. No person under eighteen years of age shall be employed or permitted to have the care, custody, or management of or to operate an elevator, either for freight or passengers, running at a speed of over two hundred feet per minute. Nothing in this section shall be construed as repealing section 2614 of the General Statutes.

Operating elevators.

SEC. 4. It shall be the duty of the factory inspector to enforce the provisions of this act, to investigate all complaints of violations thereof, and to report all cases of such violation to the prosecuting officer having jurisdiction. The factory inspector shall, on or before the first day of December in each year, make a report to the governor of the number of such violations found and the number of prosecutions instituted thereon.

Enforcement.

SEC. 5. Every person, whether acting for himself or as agent for another, who shall employ or authorize or permit to be employed any child in violation of any of the provisions of this act shall be fined not more than one hundred dollars.

Violations.

Approved June 28, 1911.

CHAPTER 128.—*Public utilities commission—Railway inspection—Accidents.*

SECTION 13. The commission shall, so far as is practicable, keep fully informed as to the condition of the plant, equipment, and manner of operation of all public service companies, in so far as the safety of the public and of the employees of such companies may be involved, and may order such reasonable repairs or alterations in such plant or equipment, or such changes in the manner of operation, as may be reasonably necessary for public safety or for the health or safety of said employees.

Inspection.

SEC. 14. Any person or any town, city, or borough may make complaint, in writing, to the commission, of any defects in any portion of the plant or equipment of any public service company, or of the manner of operating such plant, by reason of which the public safety or the health or safety of employees is endangered; and, if he or it so requests, the name of the complainant shall not be divulged unless in the opinion of the commission the complaint is such that publicity is demanded.

Complaints of defects.

SEC. 15. Upon receipt of such complaint the commission shall fix a time and place for hearing thereon, and shall give due notice thereof to all parties in interest, and shall make such

Investigation.

further investigation into the alleged conditions as it shall deem necessary. If, upon such hearing, the commission shall find the conditions to be dangerous to public safety or to the safety of employees, it shall make such order as may be necessary to remedy the same, and shall furnish a copy of such order to the complainant, upon request. If the commission finds that the complaint is not justified, it shall so notify the complainant in writing, by registered letter, specifying the reasons for such finding, and shall file a copy of such notification in the office of the commission.

**Compliance with orders.**

SEC. 16. Every public service company shall comply, immediately, with any order of the commission made in accordance with the provisions of the preceding section, and any company failing to comply with any such order shall be fined not more than one thousand dollars for each offense, and shall be liable in double damages for any injury or damage resulting to any person from such failure.

**Accidents to be reported.**

SEC. 17. Every public service company shall, in the event of any accident, attended with personal injury or involving public safety, which was or may have been connected with or due to the operation of its plant or equipment, or caused by contact with its wires, notify the commission thereof, by telephone or otherwise, as soon as may be reasonably possible after the occurrence of such accident. If said notice be given otherwise than in writing it shall be confirmed in writing within five days after the occurrence of such accident. Any company failing to comply with the provisions of this section shall be fined not more than five hundred dollars for each offense.

**Investigations.**

SEC. 18. The commission shall examine into the causes of, and the circumstances connected with, all fatal accidents occurring in the operation of the plant or equipment of any public service company, and such other accidents, whether resulting in personal injury or not, as, in its judgment, shall require investigation. The commission shall make a record of the causes, facts, and circumstances of each accident, within one month thereafter, and as a part of said record shall suggest means, if possible, whereby similar accidents may be avoided in the future. Such record shall be open to public inspection at the office of the commission and a copy thereof shall be mailed to the company affected thereby.

Approved July 11, 1911.

CHAPTER 159.—*Occupational diseases to be reported.*

**Physicians to report.**

SECTION 1. Every physician shall report, in writing, to the commissioner of the bureau of labor statistics, every case, occurring in his practice, of poisoning from lead, phosphorus, arsenic, or mercury, or their compounds, or of anthrax, or of compressed air illness, contracted, in the opinion of the physician, as the result of the nature of the patient's employment. Such report shall be made by such physician within one week after his recognition of the disease, and shall state the name, post-office address, and place of employment of the patient, and the disease from which, in the opinion of the physician, the patient is suffering. For each such report the physician making the same shall receive a fee of fifty cents, to be paid by the commissioner of the bureau of labor statistics as a part of the expenses of his office.

Approved, July 18, 1911.

CHAPTER 162.—*Weekly day of rest—Sunday labor.*

**One day weekly to be allowed.**

SECTION 1. Except in cases of emergency, it shall be unlawful for any person to require or permit any employee engaged in any commercial occupation or in the work of any industrial process to do any work of his occupation on Sunday unless such employee shall be relieved from work for one full regular working day during the six days next ensuing.

SEC. 2. This act shall not be construed as authorizing any work on Sunday not now authorized by law; nor as applying to farm or personal service to druggists, watchmen, superintendents or managers, janitors, or persons engaged solely in transportation, nor to the sale or delivery of milk, food, or newspapers, nor to such commercial occupations or industrial processes as by their nature are required to be continuous; nor as prohibiting the doing of necessary work of inspection, repair, or care of any manufacturing or other plant or of any merchandise or stock on Sunday.

Work on Sunday.

SEC. 3. Any person violating any provision of this act shall be fined not more than two hundred dollars for each offense.

Violations.

Approved July 25, 1911.

CHAPTER 163.—*Blacklisting.*

SECTION 1. No person or corporation, nor any agent or attorney thereof, nor any association of persons or corporations, shall maintain, subscribe to, belong to, or support any bureau or agency conducted for the purpose of preserving and furnishing to any member thereof or to others information descriptive of the character, skill, acts, or affiliations of any person whereby his reputation, standing in a trade, or ability to secure employment may be affected, unless a complete record of such information shall be open at all reasonable times to the inspection of the person to whom such information relates, or his duly authorized agent or attorney. All items of information pertaining to each person so described shall be recorded, in reasonably clear and unambiguous terms, on a single sheet or card, and all records preserved in any such bureau or agency shall be at all times open to the inspection of the commissioner of the bureau of labor statistics. The name of the person or corporation, together with the names of the officers of any such corporation, conducting any such bureau or agency, the exact business address of such bureau or agency, and the name of every subscriber thereto or member thereof shall be furnished promptly to the commissioner of the bureau of labor statistics and by him recorded and preserved in a convenient form for public inspection.

Lists to be open to inspection.

What list must show.

SEC. 2. Any person or corporation, or any officer or employee of any bureau or agency subject to the provisions of this act, who shall violate any of said provisions shall be fined not less than fifty dollars nor more than two hundred dollars for each offense.

Violations.

SEC. 3. This act shall not apply to religious or charitable institutions maintained solely for humanitarian purposes; nor to agencies maintained solely for the purpose of vending employment and in which persons seeking such employment duly authorize the registration of their names and qualifications; nor to companies, agencies, or associations conducted solely for the purpose of preserving records and furnishing reports of financial standing and personal or business credit; nor to the private records of employees kept by any person or corporation to be used in accordance with the provisions of chapter 153 of the public acts of 1909.

Scope of law.

Approved July 25, 1911.

CHAPTER 239.—*Fire escapes on factories, etc.*

SECTION 1. Section 2628 of the General Statutes is hereby amended \* \* \* so that said section as amended shall read as follows:

Every story above the first story of a building used as a \* \* \* workshop, manufactory, or store in which more than ten persons are employed above the first story, shall be provided with more than one way of egress, by stairways on the inside or fire escapes on the outside of such buildings. Said stairways and fire escapes shall be so constructed, in such number, of such size, and in such locations as to give, in the opinion of the officer charged with the enforcement of this act, safe, adequate, and convenient means of

Exits required.

exit, in view of the number of persons who may need to use such stairway or fire escape, shall, at all times be kept free from obstruction and shall be accessible from each room in every story above the first story.

**Fire escapes.** SEC. 2. Section 2629 of the General Statutes is hereby amended \* \* \* so that said section as amended shall read as follows:

If any building specified in section 2628, or any workshop, manufactory, hotel, boarding house, tenement house, or other building used, in whole or in part, for any of the purposes therein specified, or in which more than six persons shall be employed above the third story, shall be more than three stories in height, it shall be provided with at least one fire escape, of iron or other incombustible material, on the outside of said building; and if such building shall be more than one hundred and fifty feet in length it shall be provided with one such fire escape for every one hundred and fifty feet, or fractional part thereof exceeding fifty feet, and such fire escape shall be conveniently accessible from each story of said building; and if such building be a tenement house the fire escapes shall be directly accessible from each apartment, without passing through any public hall.

SEC. 3. Chapter 10 of the Public Acts of 1909 is hereby amended to read as follows:

**Enforcement.** The factory inspector shall have power to enforce the provisions of sections 2628 and 2629 of the General Statutes as amended by this act so far as concerns workshops and manufactories and may order fire escapes erected thereon whenever deemed by him to be necessary; and any owner, agent, or lessee neglecting or refusing to comply with such order shall be subject to the penalties prescribed in section 2633 of the general statutes.

**Damages for injuries.** SEC. 4. In all cases in which any person shall suffer injury or in which the death of any person shall ensue in consequence of the failure of the owner of any building to provide the same with fire escapes or stairways, as required by the provisions of this act, or in consequence of the failure of such owner to comply with any order of the factory inspector, made in conformity to the provisions of this act, such owner shall be liable to any person so injured for damages for such injury; and in case of death such owner shall be liable in damages for the injury caused by the death of such person. It shall be no defense to any action for the recovery of such damages that the person injured, or whose death ensued as aforesaid, had knowledge that such building was not provided with fire escapes or stairways as required by the provisions of this act, or that such person continued to work in or to occupy such building with such knowledge.

**Violations.** SEC. 5. The owner of any building, or in case such owner be non compos mentis or a minor, the guardian of such owner, or in case such owner be nonresident, the agent of such owner having charge of such property, who shall neglect or fail to comply with the foregoing provisions of this act shall be fined not less than one hundred dollars nor more than five hundred dollars. In case there shall be several owners of any building the use of which shall be continued in violation of the provisions of this act, all such owners jointly, or any one of them, shall be liable to such fine.

Approved September 7, 1911.

CHAPTER 278.—*Employment of women and children—Hours of labor in mercantile establishments.*

SECTION 1. Section 2 of chapter 220 of the Public Acts of 1909 is hereby amended to read as follows:

**Fifty - eight hours per week.** No minor under sixteen years of age, and no woman, shall be employed in laboring in any mercantile establishment, other than manufacturing or mechanical, more than fifty-eight hours in any calendar week. Every employer in such establishment shall post **Schedules to be posted.** in a conspicuous place, in every room where such persons are employed, a notice, the form of which shall be furnished by the

factory inspector, stating specifically the hours of work required of such persons on each day of the week, and the employment of any such person for a longer time in any day than so stated shall be a violation of this section: *Provided*, That in case any employer in such establishment shall, on or before the first day of January of any year, give notice to his employees, by notices posted as hereinbefore provided, that the hours of labor of minors under sixteen years of age and of women employed by him, as aforesaid, shall not exceed fifty-five in any calendar week during the months of June, July, and August of the ensuing year, then said employer may employ such minors and women not to exceed sixty hours in any calendar week during said year, except during said months of June, July, and August: *And provided, further*, That any employer in such establishment who shall, during each year, give not less than seven holidays with pay, shall be exempt from the provisions of this section during the period from the seventeenth to the twenty-fifth day of December of each year.

Provisos.

Approved September 19, 1911.

CHAPTER 282.—*Hours of labor of mechanics in State institutions.*

SECTION 1. No person shall, except in case of unavoidable emergency, be employed as a painter, carpenter, mason, electrician, machinist, engineer, fireman, or plumber, in the mechanical department of any State institution, for more than eight hours in any day.

Eight-hour day.

Approved September 20, 1911.

RESOLUTIONS.

SUBSTITUTE FOR SENATE JOINT RESOLUTION No. 200—*Commission on employment of women and children.*

SECTION 1. The governor is hereby authorized to appoint an industrial commission consisting of five persons, two of whom shall be women, to investigate the conditions of wage-earning women and minors in this State, whether employed in manufacturing, mercantile, contracting or public utility establishments, or in other offices or places of business, or in domestic service, and to collect information relative to the age, physical condition, hours of labor, wages, home work, responsibilities, and competition with men, of such women and minors, and the means of promoting their material, social, intellectual, and moral prosperity.

Commission authorized.

SEC. 2. The members of said commission shall serve without compensation, but said commission may expend, for clerical assistance and traveling and other necessary expenses a sum not exceeding five thousand dollars, and the comptroller is hereby authorized to draw his orders upon the treasurer therefor.

Compensation, etc.

SEC. 3. Said commission shall have power to compel by subpoena the attendance of witnesses and the production of documents, but no person shall be required to leave the county, in which he resides, or has his place of business, or is employed. If said commission shall investigate any particular manufacturing, mercantile, or other establishment, it shall visit such establishment in the course of such investigation and as a part thereof.

Powers.

SEC. 4. Said commission shall report its findings and recommendations to the general assembly not later than April 1, 1913.

Report.

Approved June 13, 1911.

SENATE JOINT RESOLUTION No. 248—*Commission on workmen's insurance.*

SECTION 1. The governor is hereby authorized and requested to appoint a commission of three persons whose duty it shall be to investigate and report to the next session of the general assembly upon the legality, advisability, and practicability of establishing

Commission authorized.

a State insurance department, or other form of State insurance, as a means of providing compensation for workmen and others injured through accidents occurring in industrial occupations. Said commission shall further investigate and report as to the advisability of a compensation act based upon the taxing power of the State, and such other legislation connected with said subject as shall be practical and wise.

**Legislation, etc.** SEC. 2. If said commission shall recommend such legislation or policy it shall include in its report a draft of any act or acts which it shall deem necessary in order to carry its recommendations into effect, together with an outline of any plan or plans for the establishment of such a department as it shall deem wise.

**Compensation, etc.** SEC. 3. Said commission shall serve without compensation, but it shall have power to employ necessary clerical assistance, and its proper expenses, when audited by the comptroller, shall be paid by the State.

Approved, August 22, 1911.

## DELAWARE.

### ACTS OF 1911.

#### CHAPTER 259.—*Payment of wages due deceased employees.*

**To whom wages may be paid.** SECTION 1. Hereafter 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 seventy-five dollars 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 seventy-five dollars, 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.

Approved March 28, A. D. 1911.

#### CHAPTER 272.—*Protection of employees on electric railways.*

**Platforms to be enclosed.** SECTION 1. Every corporation operating a street surface railway in this State shall cause the front and rear platforms of every car propelled by electricity, cable or compressed air, during the months of November, December, January, February, March and April, except cars attached to the rear of other cars, to be enclosed from the front and at least one side of the platform to the hood, so as to afford protection to any person stationed by such corporation on such platforms to perform duties in connection with the operation of such cars. Platforms of cars on such street surface railways used outside the limits of a city or town shall be completely enclosed from platform to hood.

**Violations.** SEC. 2. Every corporation using and operating a car in violation of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof in the court of general sessions of this State, shall pay a fine of twenty-five dollars per day for each car so used and operated contrary to the provisions of this act.

**Time for compliance.** SEC. 3. All new cars which may be installed by any street railway after the passage of this act shall be equipped according to the provisions of section 1 of this act. At least fifty per centum of the cars at present used by any street railway shall be

equipped according to the provisions of section 1 of this act on or before January 1, 1912; and the remaining fifty per centum of said cars at present in use shall be equipped in accordance with the provisions of section 1 of this act on or before January 1, 1913.

Approved April 4, A. D. 1911.

#### JOINT RESOLUTIONS.

##### CHAPTER 284.—*Commission on child labor laws.*

A commission of five citizens of the State of Delaware, to be appointed by the judges of the superior court of the State of Delaware, [shall] be hereby authorized and created, for the purpose of investigating the laws in relation to the employment of child labor and of preparing such law or laws in relation to child labor and the employment of children or minors in this State as the said commission may deem necessary and advisable. Said commission shall report to the next session of the general assembly.

Commission  
to be ap-  
pointed.

The members of said commission shall serve without compensation.

Approved April 13, 1910.

##### CHAPTER 285.—*Commission on employers' liability.*

SECTION 1. There shall be appointed, in the manner herein-after provided, a commission consisting of six persons, whose duty it shall be to make inquiry, examination and investigation into the law of this State, and into the laws of other States, and countries, relative to the liability of employers to employees for industrial accidents. Such commission shall submit a report to the general assembly of 1913, and shall present at such time recommendations for such legislation as the commission may find necessary, proper and advisable.

Commission  
authorized.

Duties.

Report.

The members of such commission shall serve without compensation, but each member shall be entitled to his actual and necessary expenses incurred in the performance of his duties as a member of such commission.

The appointments of the commissioners shall be made within thirty days after the approval of this resolution, as follows: Two of said commissioners shall be appointed by the governor, two by the president pro tempore of the senate and two by the speaker of the house of representatives.

Appointment.

The commission shall organize as soon as possible by the election of a president and secretary.

The commission shall have power to employ such clerical and other assistance as it shall deem necessary.

Sec. 2. The sum of one thousand dollars, or such part thereof as may be necessary, is hereby appropriated out of moneys in the State treasury, not otherwise appropriated, to defray the expenses of the commission, such sum to be paid out by the State treasurer upon warrants signed by the president and secretary of the commission.

Expenses.

Approved April 13, A. D. 1911.

#### FLORIDA.

##### ACTS OF 1911.

##### CHAPTER 6234.—*Railroads—Headlights on locomotives.*

SECTION 1. On and after October 1st, 1911, all railroad locomotives operated in this State in the service of drawing passenger or freight trains shall be equipped with a first class headlight of not less than two thousand and five hundred candlepower which

Candlepower  
required.

headlight shall be kept in good condition and used by those operating such railroad locomotives. That any person, firm or corporation who shall fail to so equip their or its locomotives used in drawing passenger or freight trains, as herein required, or shall operate and use a locomotive in drawing passenger or freight trains not equipped with a headlight as required by this act; shall be guilty of a misdemeanor and shall upon trial and conviction be fined not more than one thousand dollars or imprisoned not exceeding twelve months.

Approved May 23, 1911.

### GEORGIA.

#### ACTS OF 1910.

##### *Employment of children—Messenger service.*

(Page 117.)

**Night work.** SECTION 1. No minor under 16 years of age shall be employed in the delivery of messages by any concern or person engaged in the messenger service business, or in the general work of the messenger service between the hours of nine p. m. and six a. m.

**Violations.** SEC. 2. Any person, firm, or corporation, violating the provisions of this act, or any of them, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as prescribed in section 1039 of the Penal Code of Georgia, 1895.

Approved August 13, 1910.

#### ACTS OF 1911.

##### *Hours of labor in factories, etc.*

(Page 65.)

**Ten-hour day.** [This act amends section 3137 of the Code of 1910 (sec. 2615, Code of 1895), by fixing at 10 per day, or not to exceed 60 per week, the hours of labor in cotton and woolen manufacturing establishments, instead of 11 and 66 respectively, as formerly, to take effect January 1, 1912.]

Approved August 21, 1911.

##### *Sunday labor—Operation of freight trains.*

(Page 70.)

**What operation allowed.** [This act amends section 414 of the Penal Code, 1910, (sec. 420, Penal Code, 1895), in subsection 2 by permitting trains to run until 9 o'clock central standard time, Sunday morning; and in subsection 3 by permitting empty refrigerator cars to run to icing or loading stations, and permitting trains to stop at any station in the State to take on and forward cars loaded with perishable freight and ready for transportation.]

Approved August 21, 1911.

##### *Department of commerce and labor.*

(Page 133.)

**Department created.** SECTION 1. A department of commerce and labor is hereby created and established, the duties of which department shall be exercised and discharged by a commissioner, who shall be designated as commissioner of commerce and labor, and by an assistant, who shall be appointed by the commissioner. Said commissioner of commerce and labor shall be elected by persons qualified to vote for members of the general assembly, at the same time, in the

same manner, and under the same rules and regulations as the governor and statehouse officers; and shall hold his office for two years, and until his successor is elected and qualified, unless removed in the manner now prescribed by law for the removal of officials of the State government. In case of a vacancy in the office of commissioner of commerce and labor from any cause, such vacancy shall be filled by appointment by the governor, which appointee shall hold the office until his successor is elected and qualified. The first election for commissioner of commerce and labor shall take place at the special election which shall be ordered and held for governor to fill the unexpired term of the present governor, and such commissioner shall hold office until his successor shall have been elected at the next general election for statehouse officers and until his successor shall qualify. The office of said department shall be kept in the capitol and shall be furnished and provided for as are other departmental offices of the State. Said commissioner and his assistant shall devote their whole time to the duties of their office and shall not hold any other office during their terms of office.

SEC. 2. The commissioner, aided by the assistant commissioner, shall collect and collate information and statistics concerning labor and its relation to capital, showing labor conditions throughout the State; the hours of labor; the earnings of laborers; and their educational, moral and financial condition, and the best means of promoting their mental, moral and material welfare; shall, also, collect and collate information and statistics concerning the location, capacity of mills, factories, workshops and other industries, and actual output of manufactured products, and also the character and amount of labor employed; the kind and quantity of raw material annually used by them, and the capital invested therein; shall also collect and collate information and statistics concerning the location, estimated and actual horsepower and condition of valuable water powers, developed and undeveloped, in this State; also, of timber lands, and such other information and statistics concerning the industrial welfare of the citizens of this State as he may deem to be of interest and benefit to the public; and by the dissemination of such data to advertise the various industrial and natural resources of Georgia, in order to attract and bring capital into this State: *Provided*, That whenever the information and statistics herein mentioned as to water powers and timber lands are collected and collated by some other department of the State government the department of labor shall be relieved of the requirement to collect such statistics: *Provided*, That nothing in this act shall be construed to apply to farm or agricultural labor; that this act shall not apply to sawmill and turpentine laborers.

Duties of  
commissioner.

SEC. 3. The commissioner shall furnish suitable blanks to the heads of the various industries of this State, upon which answers are desired in the collection of such statistical data.

Blanks to be  
furnished.

But no use shall be made in the report of the department of the names of individuals, firms or corporations supplying the information called for by this act, such information being deemed confidential, and not for the purpose of disclosing any person's private affairs.

All officers of the various counties of this State shall, when called upon, furnish the commissioner such statistical and other information within their official knowledge or keeping, concerning such industrial and other interests, within the purview and intent of this act.

County off-  
cials.

SEC. 4. Said commissioner shall make investigation concerning the operation of the various laws relating to the safety of the life and limb of employees, especially those concerning the employment of child labor, and of women, and he shall take legal steps looking to the proper enforcement and due observance of such laws.

Law enforce-  
ment.

SEC. 5. Said commissioner may inquire into the causes of strikes and lockouts, and other disagreements between employers and employees: and, whenever practicable, offer his good offices to

Strikes, etc.

the contending parties with a view of bringing about friendly and satisfactory adjustments thereof.

**Reports.**

Sec. 6. The commissioner shall annually publish a report addressed to the governor, embodying therein such information and statistics as he may deem expedient and proper, which report shall be printed and paid for by the State just as reports of other public officers are printed and paid for. The number of copies of such report to be printed to be designated by the commissioner. He shall also make a full report to the governor as other officers are required to do, embodying therein such recommendations as he may deem calculated to promote the efficiency of his department.

**Salary, etc.**

Sec. 7. The commissioner shall receive a salary of twenty-four hundred dollars per annum; the assistant commissioner eighteen hundred dollars per annum; and a stenographer nine hundred dollars per annum, and nine hundred dollars per annum shall be allowed for the incidental expenses of said department, including the actual traveling expenses of said commissioner and assistant, while traveling for the purpose of collecting information and statistics as provided for in this act.

Approved August 21, 1911.

**HAWAII.****ACTS OF 1911.****No. 48.—Emigrant agents.****Definition.**

SECTION 1. Any person who individually or acting through or for another or others, is engaged in soliciting, inducing, procuring or in hiring laborers to go beyond the limits of the Territory of Hawaii, whether under promise of employment or otherwise, shall be deemed an emigrant agent within the meaning of this act.

**License.**

Sec. 2. No person shall engage in business as an emigrant agent without first obtaining a license from the treasurer of each county or city and county in which such business is entered into or carried on. No such license shall be issued until the applicant therefor shall have complied with the following conditions:

First: He shall file with said treasurer a sworn statement of the person or persons employing him and the place to which it is proposed that laborers shall be sent or taken and of the nature, terms and conditions of the employment or inducements to be given laborers he may recruit.

**Bond.**

Second: He shall file with said treasurer a bond in the penal sum of twenty-five thousand dollars (\$25,000.00) running to said treasurer and his successors in office conditioned that he will in all respects comply with the provisions of this act and that he will satisfy any judgments which may be rendered against him in any action either at common law or under statute for enticing, inducing or persuading laborers from their employers or for inducing laborers to break their contract of employment.

**Fee.**

Third: He shall pay an annual license fee of five hundred dollars (\$500.00).

Every such license shall be issued subject to all rules, regulations, conditions and restrictions which may be subsequently imposed by law.

**Registration of emigrants;**

Sec. 3. Every emigrant agent shall, before any laborer recruited by him leaves the Territory of Hawaii, register in the office of the treasurer the name, age, nationality of each laborer recruited by him, the name and address of the last employer of such laborer, and the date and cause of his leaving his employment, together with a statement of the proposed place of employment,

**Of contract, etc.**

if any, the nature, terms and conditions of the employment promised and inducements offered to said laborer, together with the certificate of some person qualified as an interpreter that such

statement has been by him read to such laborer in the language of his nationality. A charge of fifty cents (50) shall be made for each name so registered.

SEC. 4. Every emigrant agent shall give a bond in the sum of one hundred dollars (\$100.00) to each and every laborer recruited by him conditioned for the faithful performance of any contract or promise made with or given to any laborer so recruited. A duplicate original of each and every bond shall be filed in the office of said treasurer before said laborer leaves the Territory of Hawaii, together with a receipt of the laborer showing that said bond has been delivered to him. Bond to employee.

SEC. 5. No emigrant agent shall recruit and take away from the Territory of Hawaii any minor without the written consent of the parents or guardian of said minor, and in case said minor has no parent or guardian, then of the attorney general of the Territory, and said emigrant agent shall file said written consent in the office of said treasurer. Minors.

SEC. 6. No emigrant agent shall induce, entice or persuade or attempt to induce, entice or persuade, any servant or laborer who shall have contracted either orally or in writing to serve his employer for a specific length of time, to leave the service of said employer during the term thereof, without the consent of said employer, nor shall he aid or abet any such servant or laborer in leaving said service during the term thereof, without the consent of said employer. Existing contracts.

SEC. 8. In case of any breach of condition of any bond given under the provisions of this act, it shall be the duty of the treasurer, upon demand, to enforce said bond either in his own name or in the name of any person as obligee therein by appropriate proceedings in any court of competent jurisdiction for the use and benefit of the person injured by such breach. Enforcement of bond.

SEC. 9. Any person who shall engage in business as an emigrant agent, without first obtaining a license as in this act provided, or who shall violate any provision of this act, shall be guilty of a misdemeanor, and upon conviction shall forfeit his license, if he has one, and shall be punished by a fine not exceeding one thousand dollars (\$1000.00) or by imprisonment for not more than one year, or by both such fine and imprisonment. Failure to obtain license.

SEC. 11. Every emigrant agent holding a license as such under existing law shall comply with the provisions of this act except that all vested or contract rights, if any, shall be preserved to him, and that the license fee hereinabove required shall not be payable by him during the unexpired term of his license. Existing laws.

Approved this 4th day of April, A. D. 1911.

#### No. 49.—*Sunday labor.*

[This act amends section 3190 of the Revised Laws by adding garages and the operators and owners of licensed automobiles to the class of exempted businesses, and striking barber shops from the list.] Exemptions.

#### No. 69.—*Enticing employees—Emigration.*

SECTION 1. Inducing, enticing or persuading by promise of employment outside the Territory of Hawaii, or attempting to so induce, entice or persuade, any servant or laborer who shall have contracted, either orally or in writing, to serve his employer a specific length of time, to leave the service of said employer during such time, without the consent of said employer, or aiding or abetting, or attempting to aid or abet, any such servant or laborer in leaving said service during the term thereof, for the purpose of leaving the Territory of Hawaii, without the consent of said employer, is hereby declared actionable and damages may be recovered of any person or persons or corporation committing any of the acts aforesaid. Interference with contracts.

**Injunction.** SEC. 2. Any person or persons or corporation shall be entitled to an injunction in equity against any other person, persons or corporation who shall endeavor or threaten, by promise of employment outside the Territory of Hawaii, to induce, entice or persuade servants or laborers to leave their employment as aforesaid or to aid or abet such leaving, whenever it shall appear that the person, persons or corporation against whom the injunction is sought are without sufficient property liable to execution within the Territory of Hawaii to respond in damages for said inducing, enticing or persuading servants or laborers to leave their employment as aforesaid or for aiding or abetting such leaving as aforesaid or otherwise that the complainant is without a plain, adequate and complete remedy at law.

Approved this 6th day of April, A. D. 1911.

No. 70.—*Enticing employes—Emigration.*

**Enticing a  
misdemeanor.** SECTION 1. Any person who, by promise of employment outside the Territory of Hawaii, shall induce, entice or persuade, or attempt to induce, entice or persuade, or aid or abet in inducing, enticing or persuading, any servant or laborer who shall have contracted, either orally or in writing, to serve his employer for a specific length of time, to leave the service of said employer during such time, without the consent of said employer, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

Approved this 6th day of April, A. D. 1911.

No. 90.—*Immigrants—Emigrant agents, etc.*

**Hiring for  
emigration for-  
bidden, when.** SECTION 1. To aid in preventing newly arrived immigrants into this Territory from being misled by false and mischievous representations of emigrant agents seeking to withdraw such immigrants from the Territory, thereby discouraging the efforts of the Territory and its citizens, made at great expense, to introduce desirable population; the hiring for employment out of this Territory of any immigrant coming into this Territory, or the inducing, abetting and enticing of such immigrant to leave the Territory by any licensed emigrant agent is hereby forbidden for the period of thirty days following the date of the arrival of such immigrant into the Territory, except with the consent and approval of the board of immigration, or any legal successor in powers and duties to such board.

**Records of  
immigrant la-  
borers.** SEC. 2. It shall be the duty of the Territorial board of immigration, or any legal successor in powers and duties to such board, to keep an accurate record open to public inspection of all immigrants subject to the provisions of this act, showing among other things the date of the arrival of such immigrant into this Territory.

**Violations.** SEC. 3. Any one violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall forfeit his license and be subject to a fine not to exceed one thousand dollars, or imprisonment for not more than six months, or by both such fine and imprisonment.

Approved this 14th day of April, A. D. 1911.

No. 123 —*Department of immigration, labor, and statistics.*

**Department  
created.** SECTION 1. There is hereby established within and for the Territory of Hawaii a department of immigration, labor and statistics, which shall be in charge of a board of immigration, labor and statistics.

**Appointed,  
how.** SEC. 2. The board shall be composed of five members, who shall be appointed by the governor in the manner prescribed in section

50 of the Organic Act, for terms of five years or the unexpired periods thereof, so that the term of one member shall expire on April 30 in each year, beginning with 1912.

SEC. 3. One of the members shall be president of the board and shall be so designated in his appointment. The members shall be entitled to reimbursement for their actual expenses in attending meetings of the board. The board may, with the approval of the governor, appoint a commissioner of immigration, labor and statistics, who shall receive such compensation out of the funds at the disposal of the board, as shall be prescribed by the board, with the approval of the governor. The board may appoint such other officers, agents and servants as it may deem necessary, and regulate their powers and duties consistently with law, and may procure for its use necessary offices. It may remove such commissioner and any of its other officers, agents and servants.

Organization.

SEC. 4. The board may make full inquiry, examination and investigation into the condition, welfare and industrial opportunities of all immigrants and settlers arriving or being within the Territory. It may also collect information with respect to the need and demand for labor by the several agricultural, industrial and other productive activities throughout the Territory; gather information with respect to the supply of labor afforded by such immigrants and settlers as shall from time to time arrive or be within the Territory; ascertain the occupations for which such persons may be best adapted and bring about intercommunication between them and those requiring labor; investigate the treatment accorded them; cooperate with public and philanthropic agencies designed to aid in the distribution and employment of labor, and devise and carry out such other suitable methods as will tend to prevent or relieve unemployment.

Duties.

SEC. 5. The board may make all contracts and do all acts necessary or proper for securing low rates of fare to immigrants, for paying their passage money and otherwise facilitating their transportation, and for their reception and temporary accommodation.

Powers.

SEC. 6. The board shall, as far as possible, keep a record showing the places of residence and the occupations followed by every immigrant brought to Hawaii at the expense of the Territory, for at least a year next preceding the embarkation of said immigrant for Hawaii.

Records.

SEC. 7. The board shall procure complete lists, giving the names, ages and destination within the Territory of all immigrant children of school age, as soon as may be after their arrival, and such other facts as will tend to identify them and shall forthwith deliver copies of such lists to the superintendent of public instruction to aid in the enforcement of the provisions of the laws relating to the compulsory attendance at school of children of school age.

Lists of children.

The board may inspect all labor camps within the Territory, and all employment and contract labor agencies.

Labor camps.

The board shall investigate complaints with regard to fraud or extortion practiced against alien and other immigrants introduced under its auspices, or otherwise, and shall present to the proper authorities the results of such investigation, for action thereon; and shall investigate and study the general social and economic conditions of alien and other immigrants and settlers within the Territory for the purpose of promoting their welfare and that of the Territory, and inducing remedial action by appropriate public and private agencies.

Investigations.

SEC. 10. It shall be the duty of the board to make an annual report to the governor, to be by him laid before the legislature. Such report shall give an itemized statement of all moneys received by the board and from what source received, and to whom and for what purpose paid, during the preceding fiscal year. It shall show also the number of immigrants brought to Hawaii at

Reports.

the expense of the Territory during such year, together with the race, nationality, age, sex, conjugal condition, literacy, and the residence and occupation, so far as possible, for at least one year preceding the embarkation of every such immigrant. It shall also show the per capita cost of introducing such immigrants to Hawaii. It shall also show other matters which the board is empowered to investigate or to act upon under this act, and such statistics, relating to the Territory of Hawaii as the legislature, or the governor, may from time to time direct to be gathered.

Approved this 21st day of April, A. D. 1911.

No. 150.—*Employment of children—School attendance.*

SECTION 1. Section 212 of the Revised Laws is amended to read as follows:

Attendance required.

Section 212. The attendance of all children from six to seventeen years of age, at either a public or private school, is obligatory, \* \* \* provided also, that such attendance shall not be compulsory in the following cases:

Exceptions.

\* \* \* \* \*  
Fourth. Where any child of not less than the age of thirteen years shall have passed the required examinations of both primary and grammar school grades, as such requirements shall from time to time exist: *Provided*, He shall be suitably employed;  
Fifth. When any child of not less than fifteen years of age is suitably employed under the direction of his parent or guardian.

Approved this 28th day of April, A. D. 1911.

IDAHO.

ACTS OF 1911.

CHAPTER 60.—*Liability of employers for road taxes of employecs.*

Notice charges employer.

SECTION 908. Corporations and other employers in any county are responsible for the road poll taxes levied or chargeable against their employees, and a notice to the employer or managing agent requiring the payment of the road poll tax of the employee, charges such employer with such road poll tax. Upon notice from the clerk of the board or from the road supervisor in counties having a road supervisor, or from the road overseer of the district, it shall be the duty of every corporation or other employer within the county to transmit to the clerk of the board a true and correct list of all persons employed by such employer during the year, and such lists shall be kept complete so as to show the names of all persons employed by such employer during the year.

Names to be furnished.

Taxes to be withheld.

It shall be the duty of every such employer to withhold from the wages or salary of every adult person who shall be employed by him for two (2) weeks or more during such year the amount of any such annual road poll tax as may have been levied by the board of commissioners and to pay the same over to the county treasurer or to the road overseer director for the district: *Provided*, That every person whose road poll tax has been paid shall be entitled to receive from the county treasurer or from the road overseer collecting the same a receipt for such road poll tax for such year, specifying the place at which the same has been paid and the designation of the county and district receiving the same; and any person presenting such receipt shall be exempted for the remainder of such calendar year from the payment of any other

Failure to pay tax.

or further road poll tax in the State of Idaho. Every corporation or other employer who shall fail to comply with the provisions of this section shall be liable to the county in the amount equal to twice the amount of the road poll tax for every employee failing to pay the tax, together with costs of collection, to be recovered in an action therefor by the board of county commis-

sioners. Such double liability may be enforced in a single action or in separate actions, and the employers' liability in respect to each employee not be pleaded as a separate cause of action, nor shall one action against an employer hereunder be a bar to another action against the same employer based upon the non-payment of the road poll taxes of other employees, whether occurring before or after the bringing of the first action.

SEC. 908a. Every person, company or corporation paying the road poll tax of another may deduct the same from any indebtedness of such person. Tax may be deducted from wages.

Approved March 8, 1911.

CHAPTER 123.—*Coercion of employees in trading—Choice of boarding houses, etc.*

SECTION 1. 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 this shall not apply to the collection of hospital fees or dues. Restrictions of choice forbidden.

SEC. 2. Any employer, who by himself or by his agent, or any agent of any employer, or any other person, who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars (\$100) nor to exceed three hundred dollars (\$300) or be imprisoned in the county jail for not less than thirty (30) days nor to exceed ninety (90) days, or shall suffer both such fine and imprisonment. Penalty.

Approved February 28, 1911.

CHAPTER 131.—*Hours of labor on public works—Eight-hour day.*

SECTION 1. Eight hours shall constitute a day's work for all laborers, workmen, mechanics or other persons now employed, or who may hereafter be employed in manual labor by or on behalf of the State of Idaho, or by or on behalf of any county, city, township, or other municipality of said State, except in cases of extraordinary emergency which may arise in time of war or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life: *Provided*, That in all such cases the laborers, workmen, mechanics or other persons so employed and working to exceed eight hours per calendar day shall be paid on the basis of eight hours constituting a day's work: *Provided, further*, That not less than the current rate of per diem wages in the locality where the work is performed shall be paid to the laborers, workmen, mechanics and other persons so employed by or on behalf of the State of Idaho, or any county, city, township or other municipality of said State; and laborers, workmen, mechanics and other persons employed by contractors or subcontractors in the execution of any such contract or contracts with the State of Idaho, or with any Eight-hour day. Work in excess of eight hours.

county, city, township or other municipality thereof, shall be deemed to be employed by or on behalf of the State of Idaho, or of such county, city, township or other municipality thereof.

Contracts.

Sec. 2. All contracts hereafter made by or on behalf of the State of Idaho, or by or on behalf of any county, city, township or other municipality of said State, with any corporation, person or persons, for the performance of any labor within the State of Idaho, shall be deemed and considered as made upon the basis of eight hours constituting a day's work; and it shall be unlawful for any such corporation, person or persons to require or permit any laborer, workman, mechanic or other person to work more than eight hours per calendar day in doing such work, except in the cases and upon the conditions provided in section 1 of this act.

Violations.

Sec. 3. Any officer of the State of Idaho, or of any county, city, township or municipality of said State, or any person acting under or for such officer, or any contractor with the State of Idaho, or any county, city, township or other municipality thereof, or other person violating any of the provisions of this act shall for each offense be punished by a fine of not less than fifty dollars (50) nor more than one thousand dollars (\$1,000), or by imprisonment not more than six months, or both fine and imprisonment, in the discretion of the court.

Approved March 1, 1911.

CHAPTER 161.—Railroads—Illiterate employees.

Who must be able to read.

SECTION 1. It shall be unlawful for any person, firm or corporation operating a railroad within the State of Idaho, whereon steam or electricity is used as motive power, to employ any conductor, engineer, fireman, brakeman, switchman or any other employee whose duty may require him to act as flagman who can not read, write and speak the English language.

Approved March 7, 1911.

CHAPTER 170.—Payment of wages due discharged employees.

Wages to be paid on discharge.

SECTION 1. 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 thirty (30) days after such default.

Penalty.

Claim a lien.

SEC. 2. 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.

Approved March 7, 1911.

CHAPTER 228.—Insurance companies—Accident insurance—Employees' bonds.

Provisions in accident policies.

SECTION 45. No policy of insurance against loss or damage from disease or by bodily injury by accident, or both, of the assured shall be issued or delivered in this State, after July 1, 1911:

\* \* \*

Unless it contains in substance the following provisions:

\* \* \* \* \*

Change of occupation.

6. A provision that if the insured is injured or contracts disease after having changed his occupation to one classified by the

company as more hazardous than that stated in the policy, or while he is doing any act or thing pertaining to any occupation so classified (except ordinary duties about his residence or while engaged in recreation), the company shall pay such proportion of the indemnities provided in the policy as the premium paid would have purchased at the rate, but within the limits fixed by the company for such hazardous occupation according to the company's rates and classification of risks filed with the commissioner of insurance in this State prior to the occurrence of the injury or the commencement of the disease for which indemnity is claimed.

Sec. 46.

\* \* \* \* \*

6. Nothing in this act, however, shall apply to or affect any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, partnership, association or individual employer, \* \* \* where the officers, members or employees or classes or departments thereof are insured against specified accidental bodily injuries or diseases while exposed to the hazards of the occupation or otherwise, for a premium intended to cover the risks of all the persons insured under such policy; \* \* \*

Blanket policies.

SEC. 106. It shall be unlawful for any 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 such [fidelity] guaranty or security, and such employees shall be permitted to select such guaranty or surety company or companies or individuals complying with the provisions of this act, and such employees shall be permitted to pay the premiums of their bonds freely and voluntarily.

Withholding premiums for employees' bonds.

Choice of insurer.

Approved March 14, 1911.

ILLINOIS.

ACTS OF 1911.

Mine regulations—Mining investigation commission.

(Page 65.)

SECTION 1. A commission [shall] be established to be known as the Mining Investigation Commission of the State of Illinois, consisting of three coal mine owners and three coal miners appointed by the governor, together with three qualified men, no one of whom shall be identified or affiliated with the interests of either of the mine owners or coal miners or dependent upon the patronage or good will of either, nor in political life, who shall be appointed by the governor.

Commission to be appointed.

Each member of the said commission shall have equal authority, power and voting strength in considering and acting upon any matters which may be brought to the attention of the commission and on which the commission may act and the said commission shall have power and authority to investigate the methods and conditions of mining coal in the State of Illinois with special reference to the safety of human lives and property and the conservation of the coal deposits.

Scope of duty.

SEC. 2. In making an investigation as contemplated in this act, said commissioners shall have power to issue subpoenas for the attendance of witnesses, which shall be under the seal of the commission and signed by the chairman or secretary of said commission.

Powers.

In case any person shall willfully fail or refuse to obey such subpoena, it shall be the duty of the circuit court of any county, upon application of the said commissioners, to issue an attachment for such witness, and compel such witness to attend before the commissioners, and give his testimony upon such matters as shall be lawfully required by such commissioners; and the said

court shall have the power to punish for contempt, as in other cases of refusal to obey the process and order of such court.

The fees of witnesses shall be the same as in the courts of record and shall be paid out of the appropriation hereinafter made. And upon order duly entered of record by the said commission any one or more members of the said commission shall be empowered to take testimony touching the matters within the jurisdiction of the said commission and report the same to the said commission. Said commission shall have power and are authorized to adopt a seal and to make such rules not inconsistent with or contrary to law for the government of proceedings before it, as it may deem proper and shall have the same power to enforce such rules and to preserve order and a quorum in its presence as is vested by the common law or statute of this State in any court of general jurisdiction.

**Organization.** SEC. 3. Said commission shall meet at the State capitol building in Springfield on the second Tuesday after notice of their appointment and shall immediately elect a chairman and secretary from among their number, one of whom shall be a coal mine owner and the other a coal miner. Said commission shall cause a record to be kept of all its proceedings. Five members of the said commission shall constitute a quorum for the transaction of business, but a less number than a quorum may adjourn the meetings of the commission from time to time. Meetings of the said commission other than called meetings, as provided for herein, may be held at such times and places within the State of Illinois, as may be fixed by the said commission. A meeting of the said commission shall be held upon the written request of any three members of the said commission signed by them and delivered to the secretary, who shall, upon receipt of such request, notify each member of said commission by mail of such meeting to be held, and the time and place thereof. And no such meeting shall be held less than five days after the mailing of notice of the said meeting to the members of said commission by the secretary. Such called meeting shall be held either in Springfield or Chicago.

**Report.** SEC. 4. Said commission shall report to the governor and to the general assembly at its next regular session, submitting, so far as they have unanimously agreed, a proposed provision of coal mining laws of the State, together with such other recommendations as to the commission shall seem fit and proper, relating to coal mining in the State of Illinois. And where there is not unanimous agreement upon any recommendations there shall be submitted in like manner separate reports embodying the recommendations of any one or more members of the said commission, which said reports shall each set forth in detail the recommendation of the commissioner or commissioners signing said report and shall embody his or their respective reasons for such recommendation and his or their objection to the report of other members of the commission. Upon the filing of the above mentioned reports, said reports to be made in the convening of the next general assembly of recommendations and objections, the duties and functions of said commission shall cease and the terms of office of the respective commissioners shall terminate.

**Compensation.** SEC. 5. The members of said commission who are coal mine owners and coal miners, as aforesaid, shall receive no compensation for their services. The remaining three members of the commission shall receive as compensation for their services the sum of \$10 per day for each [day] actually employed by them as such commissioners. All members of the said commission shall be reimbursed for their actual expenses incurred in and about the actual work of said commission.

Said commission may appoint a stenographer or clerk and such other employees as are necessary and shall fix their compensation and may incur such other expenses as are properly incidental to the work of the commission.

SEC. 6. The sum of ten thousand dollars (\$10,000), or as much thereof as may be necessary, is hereby appropriated for the postage, stationery, clerical and expert services, and incidental traveling expenses of the commission. \* \* \*

The State board of contracts is hereby authorized and directed to provide all necessary printing for the mining investigation commission, and testimony taken by it shall be reported in full and may be published from time to time by the commission.

Approved May 27, 1911.

*Factory, etc., regulations—Gas safety appliances.*

(Page 146.)

SECTION 1. It shall be the duty of the fire marshal or such other officer or officers as are or may be charged with the duty of fire protection in each town, village or city in the State of Illinois, to require the owner, agent or person in charge of each public building, factory, store, hotel, theater, tenement or other building, except private residences in each of said towns, villages or cities, in which gas is used for illuminating or heating or other purposes, to equip said building or buildings with an automatic gas cock, valve or appliance by means of which, in case of fire, accident or other necessity, the supply of gas may be shut off from said building or buildings, without requiring firemen or other persons to enter within said building or buildings for said purpose.

SEC. 2. All such safety cocks, valves, or appliances, as herein provided for, shall be of such design and quality of workmanship as to be reasonably certain to perform the work required to be done thereby and shall be approved by, and installed under the supervision and control of the duly authorized officer or officers charged with the duty of fire protection in said town, village or city in which said gas cocks, valves or devices are required to be installed; and when thus installed in any building, shall continue to be and remain under their supervision and control: *Provided, however,* That in all cases where the total volume of gas led into any building or buildings is not more than the average volume delivered through a three-fourths inch pipe, then all such buildings shall be exempt from the requirements herein named, unless the conditions under which the gas is used are such as to endanger life or property to the same extent as the larger average volume carried by pipes of the next larger size, then in all such cases, at the discretion of said duly authorized officer or officers, all such buildings may be required to be equipped as provided for herein.

SEC. 3. From and after the time of taking effect of this act any owner, agent or person in control of any building or buildings within the requirements hereof, who shall fail, neglect or refuse to equip said building or buildings or to comply with the requirements set forth herein, shall be served with legal notice by the officer or officers duly charged with the fire protection of same to comply therewith within thirty days, and if at the expiration of the time specified in said notice said building or buildings are not equipped as provided for herein, then said owner, agent or person in control shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten (10) nor more than fifty dollars (\$50) for each offense. And upon such conviction [of] such owner, agent or person in control of any building or buildings, it shall be unlawful for any person, firm or corporation or company to supply gas to such building or buildings for a longer period of time than thirty (30) days next succeeding said conviction, until such building or buildings have been equipped as provided herein.

SEC. 4. When any such device is installed and approved, it shall be unlawful for any unauthorized person to willfully disturb, destroy, meddle or tamper with any such device in any way, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50) for each offense.

Approved May 31, 1911.

Expenses.

Buildings affected.

Appliance required.

Standard for appliances.

What buildings exempt.

Violations.

Injuring appliances.

*Factory regulations—Use of polishing wheels in basements, etc.*

(Page 314.)

**Employment in basements, etc., prohibited.** SECTION 1. No person shall be employed to operate any emery wheels or emery belts of any description, either leather, leather covered, felt, canvas paper, cotton, or wheels or belts rolled or coated with emery, corundum or cotton, or wheels used as buffs, in any basement so-called, or in any room lying wholly or partly beneath the surface of the ground.

**Violations.** SEC. 2. Any person, company, corporation or manager or director of any such company or corporation who shall fail to comply with the provisions of section (1) of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine of not less than twenty-five (25) dollars and not more than two hundred dollars (\$200).

Approved June 5, 1911.

*Compensation for injuries to employees.*

(Page 314.)

**Compensation system elective.** SECTION 1. Any employer covered by the provisions of this act in this State may elect to provide and pay compensation for injuries sustained by any employee arising out of and in the course of the employment according to the provisions of this act, and thereby relieve himself from any liability for the recovery of damages, except as herein provided. If, however, any such employer shall elect not to provide and pay the compensation to any employee who has elected to accept the provisions of this act, according to the provisions of this act he shall not escape liability for injuries sustained by such employee arising out of and in the course of his employment because

**Suits.****Defenses abrogated.**

1. The employee assumed the risks of the employer's business.
2. The injury or death was caused in whole or in part by the negligence of a fellow servant.
3. The injury or death was proximately caused by the contributory negligence of the employee, but such contributory negligence shall be considered by the jury in reducing the amount of damages.

**Notice of election.**

a. Every such employer is presumed to have elected to provide and pay the compensation according to the provisions of this act, unless and until notice in writing of his election to the contrary is filed with the State bureau of labor statistics.

b. Every employer within the provisions of this act failing to file such notice shall be bound hereby as to all his employees who shall elect to come within the provisions of this act until January 1st of the next succeeding year and for terms of each year thereafter: *Provided*, Any such employer may elect to discontinue the payments of compensation herein provided only at the expiration of any such calendar year, by filing notice of his intention to discontinue such payments, with the State bureau of labor statistics, at least sixty days prior to the expiration of any such calendar year, and by posting such notice in the plant, shop, office or place of work, or by personal service, in written or printed form, upon such employee, at least sixty days prior to the expiration of any such calendar year.

**Employees bound when.**

c. In the event any employer elects to provide and pay compensation provided in this act, then every employee of such employer, as a part of his contract of hiring or who may be employed at the time of the taking effect of this act and the acceptance of its provisions by the employer, shall be deemed to have accepted all the provisions of this act and shall be bound thereby unless within thirty days after such hiring and after the taking effect of this act, he shall file a notice to the contrary with the secretary of the State bureau of labor statistics, whose duty it shall be

to immediately notify the employer, and if so notified, the employer shall not be deprived of any of his common law or statutory defenses, and until such notice to the contrary is given to the employer, the measure of liability of the employer for any injury shall be determined according to the compensation provisions of this act: *Provided, however,* That before any such employee shall be bound by the provisions of this act, his employer shall either furnish to such employee personally at the time of his hiring, or post in a conspicuous place at the plant or in the room or place where such employee is to be employed, a legible statement of the compensation provisions of this act.

Proviso.

SEC. 2. The provisions of this act shall apply to every employer in the State engaged in the building, maintaining or demolishing of any structure; in any construction or electrical work; in the business of carriage by land or water and loading and unloading in connection therewith (except as to carriers who shall be construed to be excluded herefrom by the laws of the United States relating to liability to their employees for personal injuries while engaged in interstate commerce where such laws are held to be exclusive of all State regulations providing compensation for accidental injuries or death suffered in the course of employment); in operating general or terminal storehouses; in mining, surface mining, or quarrying; in any enterprise, or branch thereof, in which explosive materials are manufactured, handled or used in dangerous quantities; in any enterprise wherein molten metal or injurious gases or vapors or inflammable fluids are manufactured, used, generated, stored or conveyed in dangerous quantities; and in any enterprise in which statutory regulations are now or shall hereafter be imposed for the guarding, using or the placing of machinery or appliances, or for the protection and safeguarding of the employees therein, each of which employments is hereby determined to be especially dangerous, in which from the nature, conditions and means of prosecution of the work therein, extraordinary risks to life and limb of the employee engaged therein are inherent, necessary or substantially unavoidable, and as to each of which employments it is deemed necessary to establish a new system of compensation for accidents to the employees therein.

Employments covered.

SEC. 3. No common law or statutory right to recover damages for injury or death sustained by any employee while engaged in the line of his duty as such employee other than the compensation herein provided shall be available to any employee who has accepted the provisions of this act or to any one wholly or partially dependent upon him or legally responsible for his estate: *Provided,* That when the injury to the employee was caused by the intentional omission of the employer, to comply with statutory safety regulations, nothing in this act shall affect the civil liability of the employer. If the employer is a partnership, such omission must be that of one of the partners thereof, and if a corporation, that of any elective officer thereof.

Right exclusive.

Proviso.

SEC. 4. The amount of compensation which the employer who accepts the provisions of this act shall pay for injury to the employee which results in death, shall be:

Amount of compensation.

a. If the employee leaves any widow, child or children, or parents or other lineal heirs to whose support he had contributed within five years previous to the time of his death, a sum equal to four times the average annual earnings of the employee, but not less in any event than one thousand five hundred dollars, and not more in any event than three thousand five hundred dollars. Any weekly payments, other than necessary medical or surgical fees, shall be deducted in ascertaining such amount payable on death.

Death.

b. If the employee leaves collateral heirs dependent upon his earnings, such a percentage of the sum provided in section "a" as the contributions which deceased made to the support of these dependents, bore to his earnings.

c. If the employee leaves no widow or child or children, parents or lineal or collateral heirs dependent upon his earnings, a sum not to exceed one hundred and fifty dollars for burial expenses.

d. All compensation provided for in this section to be paid in case injury results in death, shall be paid in installments equal to one-half the average earnings, at the same intervals at which the wages or earnings of the employee were paid while he was living; or if this shall not be feasible, then the installments shall be paid weekly.

e. The compensation to be paid for injuries which result in death, as provided for in this section, shall be paid to the personal representative of the deceased employee and shall be distributed by such personal representative to the beneficiaries entitled thereto, in accordance with the laws of this State relating to the descent and distribution of personal property.

**Disability.**

Sec. 5. The amount of compensation which the employer who accepts the provisions of this act shall provide and pay for injury to the employee resulting in disability shall be:

a. Necessary first aid, medical, surgical and hospital services, also medicine and hospital services for a period not longer than eight weeks, not to exceed, however, the amount of \$200, also necessary services of a physician or surgeon during such period of disability, unless such employee elects to secure his own physician or surgeon.

b. If the period of disability lasts for more than six working days, and such fact is determined by the physician or physicians, as provided in section 9, compensation equal to one-half of the earnings, but not less than \$5 nor more than \$12 per week, beginning on the eighth day of disability, and as long as the disability lasts, or until the amount of compensation paid equals the amount payable as a death benefit.

c. If any employee, by reason of any accident arising out of and in the course of his employment, receive any serious and permanent disfigurement to the hands or face, but which injury does not actually incapacitate the employee from pursuing his usual or customary employment so that it is possible to measure compensation in accordance with the scale of compensation and the methods of computing the same herein provided, such employee shall have the right to resort to the arbitration provisions of this act for the purpose of determining a reasonable amount of compensation to be paid to such employee, but not to exceed one quarter ( $\frac{1}{4}$ ) the amount of his compensation in case of death.

d. If after the injury has been received it shall appear upon medical examination as provided for in section 9, that the employee has been partially, though permanently incapacitated from pursuing his usual and customary line of employment, he shall receive compensation equal to one-half of the difference between the average amount which he earned before the accident, and the average amount which he is earning, or is able to earn in some suitable employment or business after the accident, if such employment is secured.

**Permanent disability.**

e. In the case of complete disability which renders the employee wholly and permanently incapable of work, compensation for the first eight years after the day the injury was received, equal to 50 per cent of his earnings, but not less than \$5.00 nor more than \$12.00 per week. If complete disability continues after the payment of a sum equal to the amount of the death benefit or after the expiration of the eight years, then a compensation during life, equal to 8 per cent of the death benefit which would have been payable had the accident resulted in death. Such compensation shall not be less than \$10.00 per month and shall be payable monthly.

**Death immediate.**

(1) In case death occurs before the total of the payments made equals the amount payable as a death benefit, as provided in section 4, article a, then in case the employee leaves any widow, child or children, or parents, or other lineal heirs, they shall be paid the difference between the compensation for death and the

sum of such payment, but in no case shall this sum be less than \$500.00.

(2) In cases of complete disability, after compensation has been paid at the specified rate for a term of at least six months, the employee shall have the privilege of filing a petition in accordance with article 4 of section 4 of this act, asking for a lump sum payment of the difference between the sum of the payments received and the compensation to which he was entitled when such permanent disability has been definitely determined. For the purpose of this section, blindness or the total irrecoverable loss of sight, the loss of both feet at or above the ankle, the loss of both hands at or above the wrist, the loss of one hand and one foot, an injury to the spine resulting in permanent paralysis of the legs or arms, and a fracture of the skull resulting in incurable imbecility or insanity, shall be considered complete and permanent disability: *Provided*, These specific cases of complete disability shall not, however, be construed as excluding other cases. Lump-sum payments.

(3) In fixing the amount of the disability payments, regard shall be had to any payments, allowance or benefit which the employee may have received from the employer during the period of his incapacity, except the expenses of necessary medical or surgical treatment. In no event, except in cases of complete disability as defined above, shall any weekly payment payable under the compensation plan in this section provided exceed \$12 per week, or extend over a period of more than eight years from the date of the accident. In case an injured employee shall be incompetent at the time when any right or privilege accrues to him under the provisions of this act, a conservator or guardian of the incompetent, appointed pursuant to law, may on behalf of such incompetent, claim and exercise any such right or privilege with the same force and effect as if the employee himself had been competent and had claimed or exercised said right or privilege; and no limitations of time by this act provided, shall run so long as said incompetent employee had no conservator or guardian. Computing disability payments.

Sec. 5. Any person entitled to compensation under this act, or any employer who shall be bound to pay compensation under this act, who shall desire to have such compensation, or any part thereof, paid in a lump sum, may petition any court of competent jurisdiction of the county in which the employee resided or worked at the time of disability or death, asking that such compensation be so paid, and if upon proper notice to the interested parties, and a proper showing made before such court, it appears to the best interest of the parties that such compensation be so paid, the court shall order payment of a lump sum, and where necessary, upon proper application being made, a guardian, conservator or administrator, as the case may be, shall be appointed for any person under disability who may be entitled to any such compensation, and an employer bound by the terms of this act, and liable to pay such compensation, may petition for such appointment where no such legal representatives have been appointed or acting for such party or parties so under disability. Orders for lump-sum payments.

Sec. 6. The basis for computing the compensation provided for in sections 4 and 5 of the act shall be as follows: Basis for computing payments.

a. The compensation shall be computed on the basis of the annual earnings which the injured person received as salary, wages or earnings in the employment of the same employer during the year next preceding the injury.

b. Employment by the same employer shall be taken to mean employment by the same employer in the grade in which the employee was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause.

c. The annual earnings if not otherwise determinable shall be regarded as 300 times the average daily earnings in such computation.

d. If the injured person has not been engaged in the employment for a full year immediately preceding the accident, the compensation shall be computed according to the annual earnings which persons of the same class in the same or in neighboring employments of the same kind have earned during such period. And if this basis of computation is impossible, or should appear to be unreasonable, three hundred times the amount which the injured person earned on an average on those days when he was working during the year next preceding the accident, shall be used as a basis for the computation.

e. In the case of injured employees who earn either no wage or less than three hundred times the usual daily wage or earnings of the adult day laborers in the same line of industry of that locality, the yearly wage shall be reckoned as three hundred times the average daily local wage.

f. As to employees in employments in which it is the custom to operate for a part of the whole number of working days in each year, such number shall be used instead of three hundred as a basis for computing the annual earnings, provided the minimum number of days which shall be used for the basis of the year's work shall be not less than two hundred.

g. Earnings, for the purpose of this section, shall be based on the earnings for the number of hours commonly regarded as a day's work for that employment, and shall exclude overtime earnings. The earnings shall not include any sum which the employer has been accustomed to pay the employee to cover any special expense entailed on him by the nature of his employment.

h. In computing the compensation to be paid to any employee who, before the accident for which he claims compensation, was disabled and drawing compensation under the terms of this act, the compensation for each subsequent injury shall be apportioned according to the proportion of incapacity and disability caused by the respective injuries which he may have suffered.

Charge on  
employer.

Sec. 7. The compensation herein provided shall be the measure of the responsibility which the employer has assumed for injuries or death that may occur to employees in his employment subject to the provisions of this act, and it shall not be in any way reduced by contributions from employees.

Willful acts.

Sec. 8. If it is proved that the injury to the employee resulted from his deliberate intention to cause such injury, no compensation with respect to that injury shall be allowed.

Medical ex-  
aminations.

Sec. 9. Any employee entitled to receive disability payments shall be required if requested by the employer to submit himself for examination at the expense of the employer to a duly qualified medical practitioner or surgeon selected by the employer, at a time and place reasonably convenient for the employee, as soon as practicable after the injury, and also one week after the first examination, and thereafter at intervals not oftener than once every four weeks, which examinations shall be for the purpose of determining the nature, extent and probable duration of the injury received by the employee, and for the purpose of adjusting the compensation which may be due the employee from time to time for disability according to the provisions of sections 4 and 5 of this act: *Provided, however,* That such examination shall be made in the presence of a duly qualified medical practitioner or surgeon provided and paid for by the employee, if such employee so desires, and in the event of a disagreement between said medical practitioners or surgeons as to the nature, extent or probable duration of said injury or disability, they may agree upon a third medical practitioner or surgeon, and, failing to agree upon such third medical practitioner or surgeon, the judge of the county court of the county where the employee resided or was employed at the time of the injury, shall within six days after petition filed in such court for that purpose, select a third medical practitioner or surgeon and the majority report of such three physicians as to the nature, extent and probable duration of such injury or disability shall be used for the purpose of estimating the amount of compensation payable under

this act. If the employee refuses so to submit himself to examination or unnecessarily obstructs the same, his right to compensation payments shall be temporarily suspended until such examination shall have taken place, and no compensation shall be payable under this act during such period.

SEC. 10. Any question of law or fact arising in regard to the application of this law in determining the compensation payable hereunder shall be determined either by agreement of the parties or by arbitration as herein provided. In case any such question arises which can not be settled by agreement, the employee and the employer shall each select a disinterested party and the judge of the county court, or other court of competent jurisdiction, of the county where the injured employee resided or worked at the time of the injury, shall appoint a third disinterested party, such persons to constitute a board of arbitrators for the purpose of hearing and determining all such disputed questions of law or fact arising in regard to the application of this law in determining the compensation payable hereunder; and it shall be the duty of both employee and employer to submit to such board of arbitrators not later than ten days after the selection and appointment of such arbitrators all facts or evidence which may be in their possession or under their control, relating to the questions to be determined by said arbitrators; and said board of arbitrators shall hear all the evidence submitted by both parties and they shall have access to any books, papers or records of either the employer or the employee showing any facts which may be material to the questions before them, and they shall be empowered to visit the place or plant where the accident occurred, to direct the injured employee to be examined by a regular practicing physician or surgeon, and to do all other acts reasonably necessary for a proper investigation of all matters in dispute. A copy of the report of the arbitrators in each case shall be prepared and filed by them with the State bureau of labor statistics, and shall be binding upon both the employer and employee except for fraud and mistake: *Provided*, That either party to such arbitration shall have the right to appeal from such report or award of the arbitrators to the circuit court or the court that appointed the third arbitrator of the county where the injury occurred by filing a petition in such court within twenty days after the filing of the report of the arbitrators, and upon filing a good and sufficient bond, in the discretion of the court, and upon such appeal the questions in dispute shall be heard de novo, and either party may have a jury upon filing a written demand therefor with his petition.

Settlement of  
disputes.

Arbitrators.

SEC. 11. Any person entitled to payment under the compensation provisions of this act from any employer shall have the same preferential claim therefor against the property of the employer as is now allowed by law for a claim by such person against such employer for unpaid wages or for personal services, such preference to prevail against wage claims of all other employees, not entitled to compensation for injuries, and the payments due under such compensation provisions shall not be subject to attachment, levy, execution, garnishment or satisfaction of debts, except to the same extent and in the same manner as wages or earnings for personal service are now subject to attachment, levy, execution, garnishment or satisfaction of debts, under the laws of this State, and shall not be assignable. Any right to receive compensation hereunder shall be extinguished by the death of the person or persons entitled thereto, subject to the provisions of this act relative to compensation for death received in the course of employment. No claim of any attorney at law for services in securing a recovery under this act shall be an enforceable lien thereon unless the amount of the same be approved in writing by a judge of a court of record, which approval may be made in term time or vacation.

Claims pre-  
ferred.

SEC. 12. Any contract or agreement made by any employer or his agent or attorney with any employee or any other beneficiary

Contracts in  
seven days.

of any claim under the provisions of this act within seven days after the injury shall be presumed to be fraudulent.

Waivers.

Sec. 13. No employee or beneficiary shall have power to waive any of the provisions of this act in regard to the amount of compensation which may be payable to such employee or beneficiary hereunder.

Notice.

Sec. 14. No proceedings for compensation under this act shall be maintained unless notice of the accident has been given to the employer as soon as practicable after the happening thereof, and during such disability, and unless claim for compensation has been made within six months after the injury, except that in case of an accident resulting in temporary disability, notice of such accident must be given to the employer within thirty days after said accident; or in case of the death of the employee or in the event of his incapacity, within six months after such death or incapacity, or in the event that payments have been made under the provisions of this act, within six months after such payments have ceased. No want or defect or inaccuracy of such notice shall be a bar to the maintenance of proceedings by arbitration or otherwise by the employee, unless the employer proves that he is unduly prejudiced in such proceedings by such want, defect or inaccuracy. Notice of the accident shall, in substance apprise the employer of the claim of compensation made and shall state the name and address of the employee injured, the approximate date and place of the accident, if known, and in simple language the cause thereof; which notice may be served personally or by registered mail, addressed to the employer at his last known residence or place of business: *Provided*, That the failure on the part of any person entitled to such compensation to give such notice shall not relieve the employer from his liability for such compensation, when the facts and circumstances of such accident are known to such employer or his agent, supervising work in which such employee was engaged at the time of the injury.

Insurance,  
benefit, etc.,  
systems.

Sec. 15. This act shall not affect or disturb the continuance of any existing insurance, mutual aid, benefit, or relief association or department, whether maintained in whole or in part by the employer or whether maintained by the employees, the payment of benefits of such association or department being guaranteed by the employer or by some person, firm or corporation for him: *Provided*, The employer contributes to such association or department an amount sufficient to insure the employees or other beneficiary the full compensation herein provided, exclusive of the cost of the maintenance of such association or department without any expense to the employee. This act shall not prevent the organization and maintaining under the insurance law of this State of any benefit or insurance company for the purpose of insuring against the compensation provided for in this act, the expense of which is maintained by the employer. This act shall not prevent the organization or maintaining under the insurance laws of this State of any voluntary mutual aid, benefit or relief association among employees for the payment of additional accident or sick benefits.

No existing insurance, mutual aid, benefit or relief association or department shall, by reason of anything herein contained, be authorized to discontinue its operation without first discharging its obligations to any and all persons carrying insurance in the same or entitled to relief or benefits therein.

Premium  
payments by  
employees.

Any contract of employment, relief benefit, or insurance or other device whereby the employee is required to pay any premium or premiums for insurance against the compensation provided for in this act shall be null and void, and any employer withholding from the wages of any employee any amount for the purpose of paying any such premium shall be guilty of a misdemeanor and punishable by a fine of not less than ten dollars nor more than twenty-five dollars in each offense in the discretion of the court.

SEC. 16. Any person who shall become entitled to compensation under the provisions of this act, shall, in the event of his inability to recover such compensation from the employer on account of his insolvency, be subrogated to all the rights of such employer against any insurance company or association which may have insured such employer against loss growing out of the compensation required by the provisions of this act to be paid by such employer, and in such case only, a payment of the compensation that has accrued to the person entitled thereto in accordance with the provisions of this act, shall relieve such insurance company from such liability.

Subrogation  
to employer's  
rights.

SEC. 17. Where the injury for which compensation is payable under this act was caused under circumstances creating a legal liability in some person, other than the employer, to pay damages in respect thereof:

Joint liabil-  
ities.

a. The employee or beneficiary may take proceedings both against that person to recover damages and against the employer for compensation, but the amount of the compensation which he is entitled to under this act shall be reduced by the amount of damages recovered.

b. If the employee or beneficiary has recovered compensation under this act, the employer by whom the compensation was paid or the person who has been called upon to pay the indemnity under sections 4 and 5 of this act, may be entitled to indemnity from the person so liable to pay damages as aforesaid, and shall be subrogated to the rights of the employee to recover damages therefor.

Employer's  
rights.

SEC. 18. An agreement or award may, at any time after six months, and before eighteen months, from the date of filing, be reviewed, upon the application of either party, on the ground that the incapacity of the employee has subsequently increased or diminished. Such application shall be made to any court of competent jurisdiction; and unless the parties consent to arbitration, the court may appoint a medical practitioner to examine the employee and report upon his condition; and upon his report and after hearing all the evidence the court may modify such agreement or award, as may be just, by ending, increasing or diminishing the compensation, subject to the limitations hereinbefore provided.

Review of  
awards.

SEC. 19. It shall be the duty of every employer within the provisions of this act to send to the secretary of the State bureau of labor statistics in writing an immediate report of all accidents or injuries arising out of or in the course of the employment and resulting in death; it shall also be the duty of every such employer to report between the 15th and the 25th of each month to the secretary of the State bureau of labor statistics all accidents or injuries for which compensation has been paid under this act, which accidents or injuries entail a loss to the employee of more than one week's time, and in case the injury results in permanent disability, such report shall be made as soon as it is determined that such permanent disability has resulted or will result from such injury. All such reports shall state the date of the injury, including the time of day or night, the nature of the employer's business, the age, sex, conjugal condition of the injured person, the specific occupation of the injured person, the direct cause of the injury and the nature of the accident, the nature of the injury, the length of disability and, in case of death, the length of disability before death, the wages of the injured person, whether compensation has been paid to the injured person, or to his legal representative or his heirs or next of kin, the amount of compensation paid, the amount paid for physicians', surgeons' and hospital bills, and by whom paid, and the amount paid for funeral or burial expenses, if known. The making of reports as provided herein shall release the employer covered by the provisions of this act from making such reports to any other officer of the State.

Reports of  
accidents.

- Employees of contractors.** Sec. 20. Any person, firm or corporation who undertakes to do or contracts with others to do, or have done for him, them or it, any work embraced in section 2 of this act, requiring such dangerous employment of employees in, or about premises where he, they or it, as principal or principals, contract to do such work or any part thereof, and does not require that the compensation provided for in this act shall be insured to the employee or beneficiary by any such person, firm or corporation undertaking to do such work and any such person, firm or corporation who creates or carries into operation any fraudulent scheme, artifice or device to enable him, them or it to execute such work without such person, firm or corporation being responsible to the employee or beneficiaries entitled to such compensation under the provisions of this act, such person, firm or corporation shall be included in the term "employer" and with the immediate employer shall be jointly and severally liable to pay the compensation herein provided for, and be subject to all the provisions of this act.
- Definition.** Sec. 21. The term "employee" as used in this act shall be held to include only such persons as may be exposed to the necessary hazards of carrying on any employment or enterprise referred to in section 2 of this act. Persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employers' trade or business, are not included in the foregoing definition.
- Incidental, etc., employment.** Sec. 22. Section 21 shall not be construed to include any employee engaged in any work of an incidental character unconnected with the dangers necessarily involved in carrying on any employment or enterprise referred to in section 2, or in any work of a clerical or administrative nature which does not expose the employee to the inherent hazards of any such employment or enterprise.
- Violations.** Sec. 23. Any willful neglect, refusal, or failure to do the things required to be done by any section, clause, or provision of this act, on the part of the persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any court officer, member of an arbitration board herein provided for, or with the secretary of the bureau of labor statistics or his deputy, in the discharge of the duties herein imposed upon any of them, or any refusal to comply with the terms of this act, shall be deemed a misdemeanor, punishable by a fine of not less than \$10 nor more than \$500, at the discretion of the court.
- Actions for damages.** Sec. 23½. The right of action for damages caused by any such injury, at common law or other statute in force prior to the taking effect hereof shall not be affected by this act and every existing right of action for negligence or to recover damages for injury resulting in death, is continued and nothing in this act shall be construed as limiting the right of such action so accrued before the taking effect of this act.
- Invalidity of part.** Sec. 24. The invalidity of any portion of this act shall in no way affect the validity of any other portion thereof which can be given effect without such invalid part.
- Act takes effect when.** Sec. 25. This act shall take effect and be in force on and after the 1st day of May, 1912.
- Approved June 10, 1911.

*Department of factory inspection.*

(Page 326.)

- Assistants.** [This is an amendment of the act, page 310, Acts of 1907, the changes consisting in the addition of a physician at a salary of \$1,500 to the force of the department, an increase in the number of deputy factory inspectors from 25 to 30, an advance in the salary of the assistant chief factory inspector from \$1,500 to \$2,250, and a change of the date of the annual report from December 15 to June 30 of each year.]

*Employment of women—Hours of labor.*

(Page 328.)

SECTION 1. Sections 1 and 2 of an act \* \* \* [page 212, Acts of 1909,] are hereby amended, and an additional section to be known as section 5 added thereto, \* \* \* and the same shall read as follows:

Section 1. No female shall be employed in any mechanical or mercantile establishment, or factory, or laundry, or hotel, or restaurant, or telegraph or telephone establishment or office thereof, or in any place of amusement, or by any person, firm or corporation engaged in any express or transportation or public utility business, or by any common carrier, or in any public institution, incorporated or unincorporated in this State, more than ten hours during any one day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than ten hours during the twenty-four hours of any day.

Ten-hour day.

Sec. 2. Any employer who shall require or permit or suffer any female to work in any of the places mentioned in section 1 of this act more than the number of hours provided for in this act, during any day of twenty-four hours, or who shall fail, neglect or refuse so to arrange the work of females in his employ that they shall not work more than the number of hours provided for in this act, during any one day, or who shall permit or suffer any overseer, superintendent or other agent of any 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 each offense in a sum of not less than \$25 or more than \$100.

Violations.

Sec. 5. Every employer to whom this act shall apply, shall keep a time book or record showing for each day that his establishment is open the hours during which each and every female in his employ, to whom this act applies, is employed. Such time book or record shall be open at all reasonable hours to the inspection of the officials of the factory inspection department. The failure or omission to keep such record, or a false statement contained therein, or any false statement made by any person to an official of the factory inspection department, in reply to any question put in carrying out the provisions of this act, shall be punishable on conviction by a penalty of not more than \$25 for each offense.

Record.

Approved June 10, 1911.

*Accidents in mines, etc.—Miners' and mechanics' institutes.*

(Page 329.)

SECTION 1. In order to prevent accidents in mines and other industrial plants and to conserve the resources of the State, by the education and training of all classes of workers in and about the mines and other industrial plants of the State, there shall be established and maintained a form of educational betterment work, which shall be known as the Illinois Miners' and Mechanics' Institutes.

Institutes to be established.

SEC. 2. It shall be the purpose of such Illinois Miners' and Mechanics' Institutes to promote the technical efficiency of all persons working in and about the mines and other industrial plants of the State and to assist them to better overcome the increasing difficulties of mining and other industrial employments. In the development of this purpose, any and all means may be employed which promise to give desired results such as bulletins, traveling libraries, lectures, correspondence work, classes for systematic instruction, or meetings for the reading and discussion of papers.

Purpose.

**Administra- tion.** SEC. 3. The administration of the Illinois Miners' and Mechanics' Institutes, as provided in section one hereof, shall vest in the trustees of the University of Illinois; that all money appropriated by the State for the purpose of this act shall be made available to said trustees; and that the said trustees be and hereby are authorized and directed to proceed with the work of the organization, maintenance and administration through their regularly authorized agents, aided by such other persons as in their judgment the work may require.

Approved May 25, 1911.

*Occupational diseases—Preventive regulations—Reports.*

(Page 330.)

**Preventive devices.** SECTION 1. Every employer of labor in this State, engaged in carrying on any work or process which may produce any illness or disease peculiar to the work or process carried on, or which subjects the employees to the danger of illness or disease incident to such work or process, to which employees are not ordinarily exposed in other lines of employment, shall, for the protection of all employees engaged in such work or process, adopt and provide reasonable and approved devices, means or methods for the prevention of such industrial or occupational diseases as are incident to such work or process.

**Working clothing, etc., to be provided when.** SEC. 2. Every employer in this State engaged in the carrying on of any process of manufacture or labor in which sugar of lead, white lead, lead chromate, lithrage [litharge], red lead, arsenate of lead, or paris green are employed, used or handled, or the manufacture of brass or the smelting of lead or zinc, which processes and employments are hereby declared to be especially dangerous to the health of the employees engaged in any process of manufacture or labor in which poisonous chemicals, minerals or other substances are used or handled by the employees therein in harmful quantities or under harmful conditions, shall provide for and place at the disposal of the employees engaged in any such process or manufacture and shall maintain in good condition and without cost to the employees, proper working clothing to be kept and used exclusively for such employees while at work, and all employees therein shall be required at all times while they are at work to use and wear such clothing; and in all processes of manufacture or labor referred to in this section which are unnecessarily productive of noxious or poisonous dusts, adequate and approved respirators shall be furnished and maintained by the employer in good condition and without cost to the employees, and such employees shall use such respirators at all times while engaged in any work necessarily productive of noxious or poisonous dusts.

**Medical examinations.** SEC. 3. Every employer engaged in carrying on any process or manufacture referred to in section 2 of this act, shall, as often as once every calendar month, cause all employees who come into direct contact with the poisonous agencies or injurious processes referred to in section 2 of this act, to be examined by a competent licensed physician for the purpose of ascertaining if there exists in any employee any industrial or occupational disease or illness, or any disease or illness due or incident to the character of the work in which the employee is engaged.

**Physicians to make reports.** SEC. 4. It is hereby made the duty of any licensed physician who shall make the physical examination of employees under the provisions of section 3 of this act, to make an immediate report thereof to the State board of health of the State of Illinois upon blanks to be furnished by said board upon request, and if no such disease or illness is found, the physician shall so report, and if any such disease is found, the report shall state the name, address, sex and age of such employee and the name of such employer, and the nature of the disease or illness with which the employee is afflicted, and the probable extent and duration thereof,

and the last place of employment: *Provided*, That the failure of any such physician to receive the blanks of the State board of health for the making of such report, shall not excuse such physician from making the report as herein provided.

SEC. 5. The secretary of the State board of health shall, immediately upon receipt of any report from any physician in accordance with the provisions of section 4 of this act, transmit a copy thereof to the Illinois Department of Factory Inspection. Reports to department of factory inspection.

SEC. 6. Every employer engaged in carrying on any process or manufacture referred to in section 2 of this act, shall provide, separate and apart from the workshop in which such employees are engaged, a dressing room and lavatory for the use of such employees who are exposed to poisonous or injurious dusts, fumes and gases, and such lavatory shall be kept and maintained in a clean and wholesome manner and provided with a sufficient number of basins or spigots, with adequate washing facilities, including hot and cold water, clean towels and soap and shower bath, and the dressing rooms shall be furnished with clothes presses or compartments, so that the ordinary street clothes of such employees shall be kept separate and apart from their working clothes. Dressing and wash rooms.

SEC. 7. No employee shall take or be allowed to take any food or drink of any kind into any room or apartment in which any process or manufacture referred to in section 2 of this act is carried on, or in which poisonous substances or injurious or noxious fumes, dusts or gases are present as the result of such work or process being carried on in such room or apartment, and the employees shall not remain in any such room or apartment during the time allowed for meals, and suitable provision shall be made and maintained by the employer for enabling the employees to take their meals elsewhere in such place of employment, and a sufficient number of sanitary closed receptacles containing wholesome drinking water shall be provided and maintained for the use of the employees within reasonable access and without cost to them. Taking food.

SEC. 8. All employers engaged in carrying on any process or manufacture referred to in section 2 of this act, shall provide and maintain adequate devices for carrying off all poisonous or injurious fumes from any furnaces which may be employed in any such process or manufacture, and shall also provide and maintain adequate facilities for carrying off all injurious dust, and the floors in any room or apartment where such work or process is carried on shall, so far as practicable, be kept and maintained in a smooth and hard condition, and no sweeping shall be permitted during working hours except where the floors in such workshop are dampened so as to prevent the raising of dust; and all ore, slag, dross and fume shall be kept in some room or apartment separate from the working rooms occupied by the employees, and where practicable, all mixing and weighing of such ore, slag, dross or fume shall be done in such separate room or apartment, and all such material shall, so far as practicable, be dampened before being handled or transported by employees. Ventilation.

SEC. 9. When any flues are used in any such process or manufacture referred to in section 2 of this act, and such flues are being cleaned out or emptied, the employer shall in every case provide and maintain a sufficient and adequate means or device, such as canvas bags or other practical device, or by dampening the dust, or some other sufficient method for catching and collecting the dust and preventing it from unreasonably fouling or polluting the air in which the employees are obliged to work, and, wherever practicable, the dust occasioned in any process or manufacture referred to in section 2 of this act, and any polishing or finishing therein, shall be dampened or wet down, and every reasonable precaution shall be adopted by the employer to prevent the unnecessary creation or raising of dust, and all floors shall be washed or scrubbed at least once every working day; Cleaning flues, etc.

and such parts of the work or process as are especially dangerous to the employees, on account of poisonous fumes, dust and gases, shall, where practicable, be carried on in separate rooms and under cover of some suitable and sufficient device to remove the danger to the health of such employee, as far as may be reasonably consistent with the manufacturing process, and the fixtures and tools employed in any such process of manufacture, shall be thoroughly washed and cleaned at reasonable intervals.

**Hoods and fans.** Sec. 10. All hoppers or chutes or similar devices used in the course of any process or manufacture referred to in section 2 of this act shall, where practicable, be provided with a hood or covering, and an adequate and sufficient apparatus or other proper device for the purpose of drawing away from the employees

**Receptacles.** noxious, poisonous or injurious dusts, and preventing the employees from coming into unnecessary contact therewith; and all conveyances or receptacles used for the transportation about or the storage in any place where any such process or manufacture referred to in section 2 of this act is carried on, shall be properly covered or dampened in such way as to protect the health of the employees, and no refuse of a dangerous character incident to the work or process carried on in any such place shall be allowed to unnecessarily accumulate on the floors thereof.

**Enforcement.** Sec. 11. It shall be the duty of the State department of factory inspection to enforce the provisions of this act and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in this State, and for that purpose such department and its inspectors are empowered to visit and inspect at all reasonable times all places of employment covered by the provisions of this act. In the enforcement of the provisions hereof the department of factory inspection shall give proper notice in regard to any violation of this act to any employer of labor violating it, and directing the installment of any approved device, means or method reasonably necessary, in his judgment, to protect the health of the employees therein, and such notice shall be written or printed and shall be signed officially by the chief State factory inspector or the assistant chief State factory inspector, and said notice may be served by delivering the same to the person upon whom service is to be had, or by leaving at his usual place of abode or business an exact copy thereof, or by sending a copy thereof to such person by registered mail, and upon receipt of such notice calling the attention of the employer to such violation, he shall immediately comply with all the provisions of this act.

**Inspectors may give orders.** Sec. 12. If any occupational or industrial disease or illness or any disease or illness peculiar to the work or process carried on shall be found in any place of employment in this State by the inspectors of the State department of factory inspection, or called to their attention by the State board of health, which disease or illness shall be caused in whole or in part, in the opinion of the inspector, by a disregard by the employer of the provisions of this act, or a failure on the part of the employer to adopt reasonable appliances, devices, means or methods which are known to be reasonably adequate and sufficient to prevent the contraction or continuation of any such disease or illness, it shall be the duty of the department of factory inspection to immediately notify the employer in such place of employment, in the manner provided in section 12 of this act, to install adequate and approved appliances, devices, means or methods to prevent the contracting and continuance of any such disease or illness and to comply with all the provisions of this act.

**Act to be posted.** Sec. 13. For the purpose of disseminating a general knowledge of the provisions of this act and of the dangers to the health of employees in any work or process covered by the provisions of this act, the employer shall post in a conspicuous place in every room or apartment in which any such work or process is carried on, appropriate notices of the known dangers to the health of any such employees arising from such work or process, and simple

instructions as to any known means of avoiding, so far as possible, the injurious consequences thereof, and the chief State factory inspector shall, upon request, have prepared a notice covering the salient features of this act, and furnish a reasonable number of copies thereof to employers in this State, covered by the provisions of this act, which notice shall be posted by every such employer in a conspicuous place in every room or apartment in such place of employment. The notices required by this section shall be printed on cardboard of suitable character and the type used shall be such as to make them easily legible, and in addition to English they shall be printed in such other language or languages as may be necessary to make them intelligible to the employees.

SEC. 14. Any person, firm or corporation who shall, personally or through any agent, violate any of the provisions of this act, or who omits or fails to comply with any of its requirements, or who obstructs or interferes with any examination or investigation being made by the State department of factory inspection in accordance with the provisions of this act, or any employee who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished for the first offense by a fine of not less than ten dollars (\$10) or more than one hundred dollars (\$100), and upon conviction of the second or subsequent offenses, shall be fined not less than fifty dollars (\$50) or more than two hundred dollars (\$200), and in each case shall stand committed until such fine and costs are paid, unless otherwise discharged by due process of law.

Violations.

SEC. 15. For any injury to the health of any employee proximately caused by any willful violation of this act or willful failure to comply with any of its provisions, a right of action shall accrue to the party whose health has been so injured, for any direct damages sustained thereby; and in case of the loss of life by reason of such willful violation or willful failure as aforesaid, a right of action shall accrue to the widow of such deceased person, his lineal heirs or adopted children, or to any other person or persons who were, before such loss of life, dependent for support upon such deceased person, for a like recovery of damages for the injury sustained by reason of such loss of life, not to exceed the sum of ten thousand dollars: *Provided*, That every such action for damages in case of death shall be commenced within one year after the death of such employee.

Damages.

SEC. 16. The invalidity of any portion of this act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

Invalidity of part of act.

Approved May 26, 1911.

*Mine regulations—Powder.*

(Page 385.)

SECTION 1. Black powder for use for blasting in coal mines shall conform to the following specifications:

Specifications.

(a) It shall have a specific gravity of not less than 1.74 nor more than 1.90.

(b) It shall have a moisture content of not to exceed one per cent at the time when shipped by the manufacturer or his agent.

(c) Said powder shall be sold for use in coal mines only in seven sizes of granulation to be determined as follows:

CCC shall be powder which shall pass through a screen having round hole perforations of 40-64 of an inch in diameter and remain on a screen having round hole perforations of 32-64 of an inch in diameter.

CC shall be powder which shall pass through a screen having round hole perforations of 36-64 of an inch in diameter and remain on a screen having round hole perforations of 24-64 of an inch in diameter.

C shall be powder which shall pass through a screen having round hole perforations of 27-64 of an inch in diameter and remain on a screen having round hole perforations of 18-64 of an inch in diameter.

F shall be powder which shall pass through a screen having round hole perforations of 20-64 of an inch in diameter and remain on a screen having round hole perforations of 12-64 of an inch in diameter.

FF shall be powder which shall pass through a screen having round hole perforations of 14-64 of an inch in diameter and remain on a screen having round hole perforations of 7-64 of an inch in diameter.

FFF shall be powder which shall pass through a screen having round hole perforations of 9-64 of an inch in diameter and remain on a screen having round hole perforations of 3-64 of an inch in diameter.

FFFF shall be powder which shall pass through a screen having round hole perforations of 5-64 of an inch in diameter and remain on a screen having round hole perforations of 2-64 of an inch in diameter.

In testing powder for size of granulation as herein required, it shall be permissible for a given size to contain not to exceed  $7\frac{1}{2}$  per cent by weight of grains of the size next larger and  $7\frac{1}{2}$  by weight of grains of the size next smaller.

Marking.

SEC. 2. All black powder sold for use in coal mines in this State shall have plainly stamped on the keg or package in which it is contained the letter showing the size of granulation according to the requirements of this act.

Unlawful sale.

SEC. 3. Any person, firm or corporation who shall sell for use in coal mines in this State any black powder not stamped as herein required, or who shall knowingly sell for use in coal mines in this State any powder which is untruthfully branded or stamped, and any person, firm or corporation being a manufacturer of black powder, or the agent of any such manufacturer of black powder who shall sell for use in any coal mine in this State, any powder which shall not conform to the requirements of this act in respect to the specific gravity and moisture content shall be guilty of a misdemeanor, and shall be punishable by a fine of not exceeding \$100.00 or by imprisonment in the county jail for not exceeding ninety (90) days, or both, in the discretion of the court.

Power of inspectors.

SEC. 4. (a) State mine inspectors and deputy mine inspectors shall have authority to sample black blasting powder used for blasting purposes in coal mines in this State, or kept on hand for sale or intended for shipment for use in such mines, and for such purpose they may enter upon the premises of any person.

(b) An inspector when sampling black blasting powder shall secure as accurate an average sample as is practicable, and shall test the granulation of such sample with the screens provided for in this act.

(c) If the inspector shall desire to have said sample tested for specific gravity or moisture content, he shall send the same to the State mining board for that purpose, and when such samples are intended to be tested for moisture content, they must be taken at the mill or warehouse of the manufacturer or manufacturer's agent, or in the railroad car for shipment at said mill or the warehouse; and said samples when so taken shall be immediately sealed moisture-proof before being sent to the State mining board.

When such samples are received by the State mining board they shall cause the same to be properly and accurately tested for specific gravity and for moisture content.

(d) If samples of powder when sampled and tested as provided in this act shall be found not to comply with the provisions herein, the person, firm or corporation guilty of violating the provisions of this act shall be prosecuted in accordance with the provisions hereof.

Approved June 7, 1911.

*Mine regulations.*

(Page 387.)

SECTION 1. (a) The governor, with the advice and consent of the senate, shall appoint a State mining board which shall be composed of five members, two of whom shall be practicing coal miners, one a practicing coal mine hoisting engineer, and two coal operators. State mining board.

(b) Said board shall be authorized, empowered and required to make formal inquiry into and pass upon the practical and technological qualifications and personal fitness of men seeking appointment as State inspectors of mines, and of those seeking certificates of competency as mine managers, as hoisting engineers and as mine examiners. Said board also shall have such other powers and duties as may be prescribed by the provisions of this act, or any other act relating to coal mining. Said board also shall control and direct the State mine inspectors hereinafter provided for, in the discharge of their duties. Said board also shall cause to be collected statistical details relating to coal mining in the State, especially in its relations to the vital, sanitary, commercial and industrial conditions, and to the permanent prosperity of said industry; and said board shall cause such statistical details to be compiled and summarized as a report of said State mining board, to be known as the annual coal report. Powers.

(c) Their appointment shall date from July 1, 1911, and they shall serve for a term of two years, or until their successors are appointed and qualified. They shall all be sworn to a faithful performance of their duties. One of the coal operators member of said board shall be elected as president, and one of the coal miners member of said board shall be elected as secretary. The board may appoint a chief clerk and may employ such other persons as may be necessary for the proper discharge of its powers and duties; all of whom shall perform such duties as may be prescribed by the board from time to time, and the board may from time to time also prescribe standing and other rules for the control and direction of its officers and employees and of the State mine inspectors. Term, organization, etc.

(d) The secretary of State shall assign to the use of the board, suitably furnished rooms in the statehouse, and shall also furnish whatever blanks, blank books, printing, stationery, instruments and supplies the board may require in the discharge of its duties, and for the use of State mine inspectors.

(e) The board shall hold such meetings from time to time as may be necessary for the proper discharge of its duties. The board shall meet at the capitol on the second Tuesday in September of the year 1911, and annually thereafter, for the examination of candidates for appointment as State inspectors of mines. Special examinations also may be held whenever for any reason it may become necessary to appoint one or more inspectors.

For the examination of persons seeking certificates of competency as mine managers, hoisting engineers and mine examiners, the board shall hold meetings at such times and places within the State as shall, in the judgment of the members, afford the best facilities to the greatest number of candidates.

Public notice shall be given through the press or otherwise, not less than ten days in advance, announcing the time and place at which any examinations under this section are to be held.

(f) The examinations herein provided for shall be conducted under rules, conditions and regulations prescribed by the board. Such rules shall be made a part of the permanent record of the board, and such of them as relate to candidates shall be, upon application of any candidate, furnished to him by the board; they shall also be of uniform application to all candidates. Rules for board.

(g) The members of the State mining board shall receive as compensation for their services the sum of five dollars (\$5) each per day for a term not exceeding one hundred (100) days in any

one year, and whatever sums are necessary to reimburse them for such actual and necessary traveling expenses as may be incurred in the discharge of their duties.

The salary of the chief clerk shall be \$2,000 per annum, and he shall be reimbursed for any amounts expended for actual and necessary traveling expenses in the discharge of his duties.

All salaries and expenses of the board and of its employees shall be paid upon vouchers duly sworn to by each and approved by the president of the board, or in his absence by the acting president, and by the governor, and the auditor of public accounts is hereby authorized to draw his warrants on the State treasury for the amounts thus shown to be due, payable out of any money in the treasury not otherwise appropriated.

Applicants  
for examination.

SEC. 2. (a) An applicant for any certificate herein provided for, before being examined, shall register his name with the State mining board and file with the board the credentials required by this act, to-wit: An affidavit as to all matters of fact establishing his right to receive the examination, and a certificate of good character and temperate habits, signed by at least ten residents of the community in which he resides.

Inspectors.

(b) Persons applying to the State mining board as candidates for appointment as State inspectors of mines must produce evidence satisfactory to the board that they are citizens of this State, at least thirty years of age, that they have had a practical mining experience of ten years, and that they are men of good repute and temperate habits; they must pass an examination as to their practical and technological knowledge of mine surveying and mining machinery and appliances, of the proper development and operation of coal mines, of ventilation in mines, of the nature and properties of mine gases, of first aid to injured, of mine rescue methods and appliances, of the geology of the coal measures in this State, and of the laws of this State relating to coal mines.

(c) At the close of each examination for inspectors the board shall certify to the governor the names of all candidates who have received a rating above the minimum fixed by the rules of the board as being persons properly qualified for the position of inspector.

Managers.

(d) Persons applying to the board for certificates of competency as mine managers must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-four years of age, that they have had at least four years' practical mining experience, and that they are men of good repute and temperate habits; they must also pass such examination as to their experience in mines and in the management of men, their knowledge of mine machinery and appliances, the use of surveying and other instruments used in mining, the properties of mine gases, the principles of ventilation, of first aid to injured, of mine rescue methods and appliances, and the legal duties and responsibilities of mine managers, as shall be prescribed by the rules of the board.

[e] (d) Persons coming before the board for certificates of competency as mine managers, second class, must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-four years of age, that they have had at least four years' practical mining experience, and that they are men of good repute and temperate habits; they must also submit to and satisfactorily pass such an examination as to their experience in mines and in the management of men, their knowledge of coal mining, mine ventilation and the mining laws of this State and the required duties and responsibilities of second class mine managers, as shall be prescribed by the rules of the board, and it shall be unlawful to employ second-class mine managers, or for them to serve in that capacity at mines employing more than ten men.

Examiners.

[f] (e) Persons applying to the board for certificates of competency as mine examiners, must produce evidence satisfactory

to the board that they are citizens of the United States, at least twenty-one years of age, and of good repute and temperate habits, and that they have had at least four years' practical mining experience. They must pass an examination as to their experience in mines generating dangerous gases, their practical and technological knowledge of the nature and properties of fire damp, the laws of ventilation, the structure and uses of safety lamps, and the laws of this State relating to safeguards against fires from any source in mines.

[g] (f) Persons applying to the board for certificates of competency as hoisting engineers must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-one years of age, that they have had at least two years' experience as fireman or engineer of a hoisting plant, and are of good repute and temperate habits. They must pass an examination as to their experience in handling hoisting machinery, and as to their practical and technological knowledge of the construction, cleaning and care of steam boilers, the care and adjustment of hoisting engines, the management and efficiency of pumps, ropes and winding apparatus, and as to their knowledge of the laws of this State in relation to signals and the hoisting and lowering of men at mines. Hoisting en-  
gineers.

[h] (g) There shall be a written and an oral examination of applicants as may be prescribed by the rules of the board; and all written examination papers and all other papers of applicants shall be kept on file by the board for not less than one year, during which time any applicant shall have the right to inspect his said papers at all reasonable times; and any applicant shall be entitled to a certified copy of any or all of his said papers upon payment of a reasonable copy fee therefor. Examina-  
tions.

Sec. 3. (a) The certificates provided for in this act shall be issued under the signature and seal of the State mining board, to all those who receive a rating above the minimum fixed by the rules of the board; such certificates shall contain the full name, age and place of birth of the recipient and the length and nature of his previous service in or about coal mines. Certificates.

(b) The board shall make and preserve a record of the names and addresses of all persons to whom certificates are issued.

(c) The certificates provided for in this act shall entitle the holders thereof to accept and discharge at any mine in this State, the duties for which they are declared qualified.

(d) It shall be unlawful for the operator of any coal mine to have in his service as mine manager at his mine, any person who does not hold a certificate of competency issued by the State mining board of this State: *Provided*, That whenever any exigency arises by which it is impossible for any operator to secure the immediate services of a certified mine manager, he may place any trustworthy and experienced man of the mine-inspection district in charge of his mine to act as temporary mine manager for a period not exceeding seven days, and with the approval of the State inspector of the district, for a further period not exceeding twenty-three days. Only certified  
persons to be  
employed.

(e) It shall be unlawful for the operator of any mine to have in his service as mine examiner any person who does not hold a certificate of competency issued by the State mining board: *Provided*, That any one holding a mine manager's certificate may serve as mine examiner; but in any mine employing more than twenty-five (25) men, the mine manager shall not act in the capacity of mine examiner while acting as mine manager: *And, provided*, Whenever an exigency arises by which it is impossible for any operator to secure the immediate services of a certificated examiner, he may employ any trustworthy and experienced man of the mine-inspection district to act as temporary mine examiner for a period not exceeding seven days, and with the approval of the State inspector of the district, for a further period not exceeding twenty-three days.

(f) It shall be unlawful for the operator of any mine to permit any person who does not hold a certificate of competency as hoisting engineer issued by the State mining board, to hoist or lower men, or to have charge of the hoisting engine when men are underground.

Temporary employees.

(g) The employment of persons who do not hold certificates as mine managers and mine examiners, shall in no case exceed the limit of time specified herein, and the State inspector shall not approve of the employment of such persons beyond the twenty-three day limit.

Removal of inspectors.

(h) Upon a petition signed by not less than three coal operators, or ten coal miners, setting forth that any State inspector of mines neglects his duties, or that he is incompetent, or that he is guilty of malfeasance in office, or guilty of any act tending to the unlawful injury of miners or operators of mines, it shall be the duty of the State mining board to issue a citation to the said inspector to appear before it within a period of fifteen days on a day fixed for said hearing, when the said board shall investigate the allegations of the petitioners; and if the said board shall find that the said inspector is neglectful of his duty, or that he is guilty of malfeasance in office, or guilty of any act tending to the injury of miners or operators of mines, the said board shall declare the office of said inspector vacant, and a properly qualified person shall be duly appointed, in the manner provided for in this act, to fill said vacancy.

Revocation of certificates.

(i) The certificate of any mine manager, hoisting engineer or mine examiner, may be canceled and revoked by the State mining board upon notice and hearing as hereinafter provided, if it shall be established in the judgment of said board that the holder thereof has become unworthy to hold said certificate by reason of violation of the law, intemperate habits, incapacity, abuse of authority or for any other cause: *Provided*, That any person against whom charges or complaints are made hereunder shall have the right to appear before said board and defend against said charges, and he shall have fifteen days' notice in writing of such charges previous to such hearing: *Provided, further*, That the board in its discretion may suspend the certificate of any person charged as aforesaid, pending said hearing, but said hearing shall not be unreasonably deferred.

Districts.

SEC. 4. The State shall be divided into twelve inspection districts, said divisions to be made by the State mining board. The board may also change from time to time the boundaries of said districts, in order to more equally distribute the labor and expenses of the several mine inspectors, but this provision shall not be construed as authorizing the State mining board to increase the number of districts.

Inspectors to be appointed.

SEC. 5. (a) From the names certified by the State mining board, the governor shall select and appoint twelve State mine inspectors; that is to say, one inspector for each of the twelve inspection districts provided for in this act; or more, if, in the future, additional inspection districts shall be created, and their commissions shall be for a term of two years from July first, provided the term of any State mine inspector in office July 1, 1911, shall be extended to October 1, 1911, and provided any State inspector in actual service and good standing and who has passed one examination under this act may be reappointed for the next ensuing term, without further certification, but shall not be so reappointed more than three times: *Provided, further*, No man shall be eligible for appointment as a State inspector of mines who has any pecuniary interest in any coal mine in Illinois.

County inspectors.

(b) The county board of supervisors, or of commissioners in counties not under township organization, of any county in which coal is produced, upon the written request of the State inspector of mines for the district in which said county is located, shall appoint a county inspector of mines as assistant to such State inspector, but no person shall be eligible for appointment as county inspector who does not hold a State certificate of competency as mine manager, and the compensation of such county

inspector shall be fixed by the county board at not less than three dollars per day, to be paid out of the county treasury.

The State inspector may authorize any county inspector in his district to assume and discharge all the duties and exercise all the powers of a State inspector in the county for which he is appointed, in the absence of the State inspector; but such authority must be conferred in writing and the county inspector must produce the same as evidence of his powers upon the demand of any person affected by his acts; and the bond of said State inspector shall be holden for the faithful performance of the duties of such assistant inspector.

(c) State inspectors, before entering upon their duties as such, must take an oath of office, as provided for by the constitution, and enter into a bond to the State, in the sum of five thousand dollars (\$5,000) for State mine inspectors, with sureties to be approved by the governor, conditioned upon the faithful performance of their duties in every particular, as required by this act. Said bonds, with the approval of the governor indorsed thereon, together with the oath of office, shall be deposited with the secretary of state.

(d) The State mining board shall furnish to each of said State inspectors an anemometer, a safety-lamp and such other instruments and such blanks, blank books, stationery, printing and supplies as may be required by said inspectors in the discharge of their official duties. Said instruments and supplies shall be paid for on bills of particulars certified by the proper officers of the board and approved by the governor; and the auditor of public accounts shall draw his warrants on the State treasury [treasurer] for the amounts thus shown to be due, payable out of any money in the treasury not otherwise appropriated.

(e) State inspectors shall devote their whole time and attention to the duties of their respective offices. State inspectors shall make personal examination at least once in every six months of each mine in their district in which marsh gas has been detected in quantities which, in the judgment of the State mining board, is dangerous. The State mining board also may require State inspectors personally to examine any or all other mines in their respective districts. State inspectors may be assigned by the State mining board to examine mines which have not been classified as generating marsh gas in dangerous quantities. Every mine in the State shall be examined at least once in every six months.

(f) Every State inspector in the regular inspection of mines shall measure with an anemometer and determine the amount of air passing in the last cross-cut in each pair of entries in pillar and room mines, or in the last room of each division in long-wall mines. He shall also measure with an anemometer and determine the amount of air passing at the inlet and outlet of the mines; and he shall compare all such air measurements with the last report of the mine examiner and the mine manager upon the mine examination book of the mine. He must observe that the legal code of signals between the engineer and top man and bottom man is established and conspicuously posted for the information of all employees.

State inspectors also shall require that every necessary precaution be taken to insure the health and safety of the workmen employed in the mines, and that the provisions and requirements of all the mining laws of this State are obeyed.

State inspectors shall render written reports of mine inspections made by them to the State mining board in such form and manner as shall be required by the board. State inspector[s] shall take prompt action for the enforcement of the penalties provided for violation of the mining laws.

(g) It shall be lawful for State inspectors to enter, examine and inspect any and all coal mines and the machinery belonging thereto, at all reasonable times, by day or by night, but so as not to unreasonably obstruct or hinder the working of such coal mine, and the operator of every such coal mine is hereby required

Bonds.

Instruments.]

Inspections. ]

to furnish all necessary facilities for making such examination and inspection.

**Refusing en-** (b) If any operator shall refuse to permit such inspection or  
**trance.** to furnish the necessary facilities for making such examination and inspection, the inspector shall file his affidavit, setting forth such refusal, with the judge of the circuit court in said county in which said mine is situated, either in term time or vacation, or, in the absence of said judge, with a master in chancery in said county in which said mine is situated, and obtain an order on such owner, agent or operator so refusing as aforesaid, commanding him to permit and furnish such necessary facilities for the inspection of such coal mine, or to be adjudged to stand in contempt of court and punished accordingly.

**Posting no-** (i) The State inspector shall post in some conspicuous place  
**tices.** at the top of each mine inspected by him, a plain statement showing what in his judgment is necessary for the better protection of the lives and health of persons employed in such mine; such statement shall give the date of inspection and be signed by the inspector. He shall post a notice at the landing used by the men, stating what number of men will be permitted to ride on the cage at one time and the rate of speed at which men may be hoisted and lowered on the cages.

**Weights and** (j) State inspectors are hereby made *ex officio* sealer of  
**measures.** weights and measures in their respective districts, and as such are empowered to test all scales used to weigh coal at coal mines. Upon the written request of any mine owner or operator, or of ten coal miners employed at any one mine, it shall be the duty of the inspector to test any scale or scales at such mine against which complaint is directed, and if he shall find that they or any of them do not weigh correctly, he shall call the attention of the mine owner or operator to the fact, and direct that said scale or scales be at once overhauled and readjusted so as to indicate only true and exact weights, and he shall forbid the further operation of such mine until such scales are adjusted. In the event that such tests shall conflict with any test made by any county sealer of weights, or under and by virtue of any municipal ordinance or regulation, then the test by such mine inspector shall prevail.

(k) For the purpose of carrying out the provisions of this act, each State inspector shall be furnished by the State with a complete set of standard weights suitable for testing the accuracy of tract [track] scales and of all smaller scales at mines, said test weights to be paid for on bills of particulars, certified by the secretary of state and approved by the governor. Such test weights shall remain in the custody of the inspector for use at any point within his district, and for any amounts expended by him for the storage, transportation or handling of the same, he shall be fully reimbursed upon making entry of the proper items in his expense voucher.

**Annual re-** (l) Each State inspector of mines shall, within sixty days after  
**ports.** June 30 of each year, prepare and forward to the State mining board a formal report of his acts during the year in the discharge of his duties, with any recommendations as to legislation he may deem necessary on the subject of mining, and shall collect and tabulate upon blanks furnished by said board all desired statistics of mines and miners within his district to accompany said annual report.

(m) On the receipt of said inspectors' reports the chief clerk of the State mining board shall compile and summarize the same, to be included in the report of said board, to be known as the annual coal report, which shall, within four months thereafter, be bound, printed and transmitted to the governor for the information of the general assembly and the public. The printing and binding of said reports shall be provided for by the commissioners of State contracts in like manner and in like numbers as they provide for the publication of other official reports to the governor.

(n) Every coal operator shall, within thirty days after June 30 of each year, furnish to the State mine inspector of the district, on blanks furnished by him prior to said June 30, statistics of the wages and conditions of their employees as required by law. The failure of any inspector to forward to the State mining board his formal report, as provided in paragraph [one] (1) hereof, or the failure of any coal operator to furnish to the State mine inspector of the district the statistics provided for herein, shall be adjudged a misdemeanor and be subject to a fine of \$100.

Sec. 6. Each State inspector of mines shall receive as compensation for his services the sum of \$1,800 per annum, and for traveling and other necessary expenses each shall receive the sum actually expended for that purpose in the discharge of his official duties: *Provided*, Such expenses shall not exceed one hundred dollars (\$100) per calendar month for each State inspector of mines, both salary and expenses to be paid monthly by the State treasurer, on warrants of the auditor of public accounts, from the funds in the treasury not otherwise appropriated; said expense vouchers shall show the items of expenditures in detail, with sub-vouchers for the same so far as it is practicable to obtain them. Said vouchers shall be sworn to by the inspector and be approved by the president of the State mining board and the governor.

Compensation, etc.

Sec. 7. (a) The operator of every coal mine in the State shall make, or cause to be made, an accurate map or plan of such mine, drawn to a scale not smaller than 200 feet to the inch. All measurements shall be in feet and decimals of a foot. On such maps shall appear the name of the State, county and township in which the mine is located, the designation of the mine, the name of the company or owner, the certificate of the mining engineer or surveyor as to the accuracy and date of the survey, the north point and the scale to which the drawing is made.

Maps.

(b) Such map or plan shall accurately show the surface boundary lines of the coal rights pertaining to each mine, and all sections or quarter-section lines or corners within the same; the lines of town lots and streets; the tracks and side-tracks of all railroads, and the location of all wagon roads, rivers, streams, ponds, location and depth of holes drilled for oil, gas or water that penetrate a workable coal seam, and the elevation above the coal seam of any stream or body of water that might endanger the mine.

(c) For the underground workings, said maps shall show all shafts, slopes, tunnels or other openings to the surface or to the workings of a contiguous mine; all excavations, entries, rooms and cross-cuts; the location of the fan or furnace and the direction of the air currents; the location of pumps, hauling engines, engine planes, abandoned works, fire walls and standing water; and the outcrop line of the seam, if any, on the property.

The general outline of all areas in which pillars have been drawn shall be indicated on the map.

Each underground map also shall show, in feet and decimals thereof, the elevation of the floor of the coal at reasonable intervals on the main entries and cross entries from the bottom of the shaft to the face of the workings; such elevations shall be referred to the floor of the coal at the bottom of the hoisting shaft.

(d) A separate and similar map, drawn to the same scale, shall be made of each and every seam, which, after the passage of this act, shall be worked in any mine, and the maps of all such seams shall show all shafts, inclined planes or other passageways connecting the same.

(e) A separate map also shall be made of the surface whenever the surface buildings, lines or objects are so numerous as to obscure the details of the mine workings if drawn upon the same sheet with them, and in such case the surface map shall be drawn on transparent cloth or paper, so that it can be laid upon the map of the underground workings, and thus indicate the relation of lines and objections on the surface to the excavations of the mine.

(f) Each map shall also show by profile drawing and measurements, in feet and decimals thereof, the rise and dip of the seam from the bottom of the shaft in either direction to the face of the workings.

(g) The original or true copies of all such maps shall be kept in the office at the mine, and one true copy thereof shall be furnished to the State inspector of mines for the district in which said mine is located, and one shall be filed in the office of the recorder of the county in which the mine is located, within thirty days after the completion of the same. The maps so delivered to the inspector and to the recorder shall remain in the custody of said inspector and recorder during their respective terms of office, and be delivered by them to their successors in office. They shall be kept at the office of the inspector and of the recorder, and be open to the examination of all persons interested in the same, but such examination shall be made only in the presence of the inspector or the recorder. Neither the inspector nor the county recorder shall permit any copies of the same to be made without the written consent of the operator or the owner of the property.

The county recorder shall properly index such map as part of the title record of the property affected.

A copy of each map and extensions to the same shall be furnished the manager of the mine-rescue stations for his use in connection with rescue work only.

Annual cor-  
rections.

(h) An extension of the last preceding survey of every mine in active operation shall be made once in every twelve months prior to July 1 of every year, and the results of said survey, with the date thereof shall be promptly and accurately entered upon the original maps and all copies of the same, so as to show all changes in plan or new work in the mine, and all extensions of the old workings to the most advanced face or boundary of said workings which have been made since the last preceding survey. The State inspector, the county recorder and the manager of the rescue stations shall be furnished with a copy of the said extended map or of the extensions to said map.

(i) When any coal mine is worked out or is about to be abandoned or indefinitely closed, the operator of the same shall make, or cause to be made, a final survey of such mine; to show the entire worked-out area when the mine was closed, and the results of the same shall be duly extended on all maps of the mine and copies thereof herein required to be filed.

Special sur-  
veys.

(j) The State inspector of mines, or the State mining board, may order a survey to be made of the workings of any mine in addition to the regular annual survey, the results to be extended on the maps of the same and the copies thereof, whenever the safety of the workmen, unlawful injury to the surface, unlawful encroachment upon adjoining property, or the safety of an adjoining mine requires it.

If the State inspector of mines or the State mining board shall believe any map required by this act is materially inaccurate or imperfect, the State inspector or State mining board is authorized to make, or cause to be made, a correct survey and map at the expense of the operator, the cost recoverable as for debt: *Provided*, If such test survey shows the operator's map to be correct, the State shall be liable for the expense incurred, payable in such manner as other State accounts incurred by the State mining board.

Refusal to  
furnish map.

(k) If an operator of any mine refuses or wilfully neglects, for a period of three months, to furnish the said State inspector, the county recorder and the manager of the rescue stations the map or plan of such mine, or a copy thereof, or of the extensions thereto, as provided for in this act, such operator shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars, in the discretion of the court, and shall stand committed to the county jail until such fine is paid, and, in addition thereto,

the State inspector or State mining board is hereby authorized to make, or cause to be made, an accurate map or plan of such mine at the expense of the operator thereof; and the cost of the same may be recovered by law from the operator in the same manner as other debts by suit, in the name of the State inspector or the State mining board, and for his or its use, and copies of the same shall be filed by him or the board, one each with said recorder and said manager of the rescue stations.

Sec. 8. (a) Any shaft or other opening in process of sinking, or driving, for the purpose of mining coal, shall be subject to the inspection of the State inspector of mines for the district in which said shaft or opening is located. <sup>Sinking shafts, etc.</sup>

(b) Over every shaft that is being sunk or shall hereafter be sunk, there shall be a safe and substantial structure to support sheaves or pulley ropes at a height not less than 15 feet above the tipping place. The landing platform of such shaft shall be so arranged that material can not fall into the shaft while the bucket is being emptied or taken from the hoisting rope. If provisions are made to land a bucket on a truck, said truck and platform shall be so arranged that material can not fall into the shaft.

(c) Rock or coal shall not be hoisted except in a bucket or on a cage when men are in the bottom of the shaft; and said bucket or cage must be connected to the hoisting rope by a safety hook, clevis or other safety attachment. The rope shall be fastened to the side of the drum and not less than three coils of rope shall remain on the drum. In shafts over 100 feet in depth, suitable provisions shall be made to prevent the bucket from swinging while being lowered or hoisted, and guides provided for this purpose shall be maintained at a distance of not more than 75 feet from the bottom of the shaft.

(d) An efficient brake shall be attached to the drum of the engine used for hoisting in shaft sinking, and the drum shall be provided with a flange on each end not less than 4 inches in height.

(e) Not more than four persons shall be lowered or hoisted in or on a bucket in a shaft at one time, and no person shall ride on a loaded bucket.

(f) All blasts in shaft sinking shall be exploded by electric battery.

(g) Provision shall also be made for the proper ventilation of shafts while being sunk.

(h) No one but a certificated hoisting engineer shall be in charge of the hoisting engines while a shaft is being sunk.

Sec. 9. (a) For every coal mine in this State, whether worked by shaft, slope or drift, there shall be provided and maintained, in addition to the hoisting shaft, or other place of delivery, an escapement shaft or opening to the surface, or an underground communicating passageway with a contiguous mine, so that there shall be at least two distinct and available means of egress to all persons employed in such coal mines. <sup>Escape shafts.</sup>

(b) In mines sunk after the passage of this act, the first escapement shaft shall be separated from the main shaft by such extent of natural strata as may be agreed upon by the inspector of the district and the owner of the property, but the distance between the main shaft and the escapement shaft shall not be less than 500 feet nor more than 2,000 feet: *Provided*, That in mines employing ten (10) men or less the distance between the hoisting shaft and the escapement shaft shall not be less than two hundred and fifty (250) feet.

(c) It shall be unlawful to employ underground, at any one time, more men than in the judgment of the inspector are necessary to complete speedily the connections with the escapement shaft or adjacent mine; and said number must not exceed ten men at any one time for any purpose in said mine until such escapement or connection is completed.

The time allowed for completing such escapement shaft or making such connections with an adjacent mine, as is required by the <sup>Time for completion.</sup>

terms of this act, shall be three months for shafts 200 feet or less in depth, and six months for shafts less than 500 feet and more than 200 feet, and nine months for all other mines, slopes of [or] drifts, or connections with adjacent mines. The time to date in all cases from the hoisting of coal from the hoisting shaft: *Provided*, That in mines employing ten (10) men or less, the time for completing the escapement shaft shall not be more than six months from the time of hoisting coal.

**Stairways.**

(d) The escapement shaft at every mine opened after the passage of this act shall be equipped with a substantial stairway, set at an angle not greater than forty-five degrees, which shall be provided with handrails, and with platforms or landings at each turn of the stairway.

**Cages.**

If any escapement shaft, at the time of the passage of this act, be equipped with a cage for hoisting men, such shaft, cage and all equipment used in connection therewith must conform to the requirements of this act in reference to the hoisting and lowering of men.

**Passageways.**

(e) Such escapement shaft or opening or communication with a contiguous mine as aforesaid, shall be constructed in connection with every seam of coal worked in such mine, and all passageways communicating with the escapement shaft or place of exit, from the main hauling ways to said place of exit, shall be maintained free of obstruction at least 5 feet high and 5 feet wide. Such passageways must be so graded and drained that it will be impossible for water to accumulate in any depression or dip of the same in quantities sufficient to obstruct the free and safe passage of men. No passageway to an escapement shaft shall pass through a stable. At all points where the passageway to the escapement shaft or other place of exit is intersected by other roadways or entries, conspicuous signboards shall be placed indicating the direction it is necessary to take in order to reach such place of exit.

(f) When operators of adjacent mines have, by agreement, established underground communications between said mines as an escapement outlet for the men employed in both, the intervening doors shall remain unlocked and ready at all times for immediate use.

When such communication has once been established between contiguous mines, the operator of either shall not close the same without the consent of the operator of the contiguous mine and of the State inspector for the district: *Provided*, That when either operator desires to abandon mining operations the expense and duty of maintaining such a communication shall devolve upon the party continuing the operations and using the same.

**Gates at landings.**

SEC. 10. (a) The upper and lower landing at the top of each shaft, and the opening of each intermediate seam from or to the shaft, shall be kept clear and free from loose materials, and shall be protected with automatic or other gates. At the top landing cage supports, where necessary, must be carefully set and adjusted so as to securely hold the cage when at rest.

**Lights.**

(b) Whenever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men take or leave the cage is at all obscured by steam or otherwise, there must always be maintained at such landing a light sufficient to show the landing and surrounding objects distinctly. Likewise, as long as there are men underground in any mine the operator shall maintain a good and sufficient light at the bottom of the shaft thereof, so that persons coming to the bottom may clearly discern the cage and objects in the vicinity.

**Hoisting apparatus.**

(c) Every shaft in which men are hoisted and lowered must be equipped with a cage, or cages, fitted to guide-rails running from the top to the bottom. Said cages must be substantially constructed; they must be furnished with sheet-metal covers adequate to protect persons riding thereon from falling objects; they must be equipped with safety catches. Every cage on which persons are carried must be fitted with iron bars or rings in proper place and sufficient number to furnish a secure hand-hold

for every person permitted to ride thereon. There shall be attached to every cage on which men are, or may be, hoisted or lowered, a horn or other device with which signals can be given on the cage.

(d) In connection with every hoisting engine used for hoisting or lowering of men there shall be provided as follows:

(1) A good and sufficient brake on the drum, so adjusted that it may be operated by the engineer without leaving his post at the levers.

(2) Flanges attached to the sides of the drum, with a distance when the whole rope is wound on the drum of not less than 4 inches between the outer layer of rope and the greatest diameter of the flange.

(3) One end of each hoisting rope shall be well secured on the drum, and at least three laps of the same shall remain on the drum when the cage is at rest at the lowest caging place in the shaft.

The lower end of each rope shall be securely fastened to the cage by suitable sockets and chains.

(4) An index dial or indicator that plainly shows the engineer at all times the true position of the cages in the shaft.

(e) At every mine where men are hoisted and lowered by machinery there shall be provided means of signaling to and from the bottom man, the top man and the engineer. The signal system shall consist of a tube, or tubes, or wire encased in wood or iron pipes, through which signals shall be communicated by electricity, compressed air or other pneumatic devices, or by ringing a bell. When compressed air or other pneumatic devices are used for signaling, provision must be made to prevent signal from repeating or reversing. The following signals shall be used at mines where signals are required:

From the bottom to the top: One ring or whistle shall signify to hoist coal or the empty cage, and also to stop either when in motion.

Two rings or whistles shall signify to lower cage.

Three rings or whistles shall signify that men are coming up or going down; when return signal is received from the engineer the men shall get on the cage and the proper signal to hoist or lower shall be given.

Four rings or whistles shall signify to hoist slowly, implying danger.

Five rings or whistles shall signify accident in the mine and a call for a stretcher.

Six rings or whistles shall signify hold cage perfectly still until signaled otherwise.

From top to bottom, one ring or whistle shall signify: All ready, get on cage.

Two rings or whistles shall signify: Send away empty cage.

*Provided*, That the operator of any mine may, with the consent of the inspector, add to this code of signals in his discretion. The code of signals in use at any mine shall be conspicuously posted at the top and at the bottom of the shaft, and in the engine room at some point in front of the engineer when standing at his post.

(f) Every boiler shall be provided with a glass water gauge and not less than three try cocks and also a steam gauge, except that where two or more boilers are equipped with a steam drum properly connected with the boilers to indicate the steam pressure and without any valves between said boilers and the steam drum, the steam gauge may be placed in said steam drum; and other steam gauge shall be attached to the steam pipe in the engine house, each to be placed in such a position that the engineer and the fireman can readily see what pressure is being carried. Such steam gauges shall be kept in good order, and adjusted and be tested as often, at least, as every six months.

(g) Every boiler shall be provided with a safety valve with weights or springs properly adjusted, except that where two or

more boilers are equipped with a steam drum properly connected with the boilers to indicate the steam pressure and without any valves between said boilers and the steam drum, the safety valve [valve] may be placed in said steam drum.

(h) All boilers used in generating steam in and about coal mines or sinking shafts shall be kept in good order, and the operator of every coal mine where steam boilers are in use shall have said boilers thoroughly examined and inspected by a competent boiler maker or other qualified person, not an employee of said operator, as often as once in every six months, and oftener if the mine inspector shall so require in writing, and the result of every such inspection shall be reported on suitable blanks to said mine inspector.

Ways at  
landings.

(i) At every underground landing where men enter or leave the cage and where men must pass from one side of the cage to the other there shall be a passageway, free from obstruction and dry as possible, around the shaft not less than three feet wide for the use of men only; and animals or cars shall not be taken through such passageway while men are passing or desirous of passing through such passageway.

R e f u g e  
places.

(j) A refuge place or places for men coming out at the close of the day's work shall be provided off the main bottom of cage-room in shaft mines, at a place or places and of such size as shall be approved by the State mining inspector. Such place or places shall be not more than 400 feet from the hoisting shaft. When leaving such refuge places to be hoisted out, the men shall be governed by the rules of the mine.

Ways and  
shafts to be  
clear.

(k) No accumulation of ice or obstructions of any kind shall be permitted in any shaft in which men are hoisted or lowered; nor shall any dangerous gases or steam be discharged into said shaft in such quantities or at such times as to interfere with the safe passage of men. All surface or other water which flows therein shall be conducted by rings or otherwise to receptacles provided for the same in such manner as to prevent water from falling upon men while passing into or out of the mine or while in the discharge of their duties about the shaft bottom.

(l) All shafts by which men enter or leave the mine, and the passageways leading thereto, or to the works of a contiguous mine used as an escapement shaft shall be carefully examined at least once each week that the mine is operating and the date and findings of such an examination entered promptly in the books kept at the mine for that purpose. If obstructions to the free passage of men are found, their location and nature shall be stated in said report. Such obstructions shall be promptly removed.

Buildings.

SEC. 11. (a) After the passage of this act, there shall not be erected or reerected on the surface within 100 feet of any hoisting shaft or escapement shaft, any inflammable structure: *Provided*, That this paragraph shall not apply to mines employing ten (10) men or less.

Storage of  
oils.

(b) No oils or similarly inflammable materials shall be stored within 100 feet of any hoisting or escapement shaft, nor in any mine.

All explosive materials shall be stored in a fireproof magazine located on the surface not less than 500 feet from all other buildings in connection with the mine, and such magazine shall be so placed as not to jeopardize the free and safe exit of men from the mine in case of an explosion at the magazine.

(c) Any building erected after the passage of this act, for the purpose of housing the hoisting engine or boilers at any mine, shall be substantially fireproof, and no boiler house shall be nearer than sixty feet to the main shaft or other opening, or to any building or inflammable structure connecting therewith.

Signal men.

SEC. 12. (a) At every shaft where men are hoisted or lowered by machinery, the operator shall station at the top and at the bottom of such shaft a competent man who shall be and is hereby charged with the duty of attending to signals, and is empowered

to preserve order and enforce the rules governing the carriage of men on cages. Said top men [man] and bottom man shall be at their respective posts of duty at least half an hour before the hoisting of coal begins in the morning, and remain for half an hour after the hoisting ceases for the day.

(b) Cages on which men are riding shall not be lifted nor lowered at a rate of speed greater than six hundred feet per minute, except with the written consent of the inspector. No person shall carry any tools, timber or other materials with him on any cage in motion, except for use in repairing the shaft, and no one shall ride on a cage containing either a loaded or empty car. No cage having an unstable or self-dumping platform shall be used for the carriage of men or materials, unless the same is provided with some device by which said platform can be securely locked, and unless it is so locked whenever men or materials are being conveyed thereon. No coal shall be hoisted in any shaft while men are being lowered therein.

(c) Whenever men who have finished their day's work, or have been prevented from further work, shall come to the bottom to be hoisted out, an empty cage shall be given them for that purpose, unless there is an available exit by slope or stairway in an escapement shaft, and providing there is no coal at the bottom ready to be hoisted. In case of injury or bona fide illness, a man shall be given a cage at once.

SEC. 13. (a) At every mine in this State, the operator shall provide and keep in condition for use not less than two safety lamps and shall provide and keep as many more as may be required in writing by the State mine inspector. Davy lamps shall not be used for any purpose except testing.

(b) All safety lamps shall be the property of the operator and when not in use shall remain in the custody of the mine manager or other competent person designated by him, who shall clean, fill, trim, examine and deliver same locked and in safe condition to the men when they enter the mine, or at some underground station designated by the mine manager for that purpose. He shall also receive the lamps from the men when they leave the mine or as they pass the underground lamp station at the end of their shift.

The person to whom lamps are thus given shall be responsible for the condition and proper use of the safety lamps while in their possession, and their return to the lamp station.

No safety lamps shall be given to any person for use in a mine nor shall any person use a safety lamp in a mine until said person has given evidence satisfactory to the mine manager that he understands the proper use thereof and the danger of tampering with the same.

(c) No person except one duly authorized by the mine manager shall have in his possession in any part of the mine where locked safety lamps are used any matches or other means of producing fire, or any lamp key or other instrument usable for the opening of a locked safety lamp. Any person violating the provisions of this section shall be guilty of a misdemeanor and punishable as hereinafter provided relating to misdemeanors under this act.

(d) Electric lamps which will not ignite explosive gases may be used instead of safety lamps for purposes for which safety lamps are required in this act except for testing for explosive gas.

SEC. 14. (a) At every coal mine there shall be provided and maintained artificial means for supplying an amount of air which shall be not less than 100 cubic feet per minute for each person, and not less than 500 cubic feet per minute for each animal in the mine, measured at the foot of the downcast and of the upcast; except that in gaseous mines there shall be not less than 150 cubic feet of air per minute for each person in the mine. The inspector shall have power by order in writing to require these quantities to be increased.

(b) The main current of air shall be so split or subdivided as to give a separate current of reasonably pure air to every 100 men

Speed, etc.,  
of cages.

Men to be  
taken out.

S a f e t y  
lamps.

Ventilation.

at work, and the inspector shall have authority to order, in writing, separate currents for smaller groups of men, if, in his judgment, special conditions render it necessary.

(c) Doors, curtains or brattices shall be placed at such places as may be designated by the mine manager, subject to the approval of the State inspector, for conducting the required amount of air into the working places. Curtains shall not be permanently used in main entries without the written consent of the State mine inspector.

(d) Away from the pillar for the mine bottom, cross-cuts between entries shall be made not more than sixty feet apart without permission of the State inspector of the district and then only in case of "faults." When such consent is given, brattice or other means must be provided within sixty feet of the face to convey the air to the working place until a crosscut is opened up.

When undercut or sheared, the entry, crosscut and room neck may be advanced concurrently, but not more than one cutting shall be shot in the room neck until the crosscut is finished; and after the entry has advanced fifteen feet beyond the location of the new crosscut, only one shot shall be fired in the entry to two in either or both the crosscut and room neck at the same shooting time.

When not undercut or sheared, the entry and crosscut may be advanced concurrently, but no room shall be opened in advance of the last open crosscut, and after the entry has advanced fifteen feet beyond the location of a new crosscut only one shot shall be fired in the entry to two in the crosscut at the same shooting time.

Not more than three shots shall be exploded at one shooting time ahead of the last open crosscut.

(e) After the taking effect of this act, the first crosscut in the first room off any entry shall not be more than 50 feet from the rib of the entry, and the first crosscut in the second room shall not be more than 80 feet from the rib of the entry, subsequently first crosscuts in all the rooms shall be not more than 50 and 80 feet respectively from the rib of the entry. Additional crosscuts shall not be more than 60 feet apart.

(f) All crosscuts connecting inlet and outlet air courses, except the last one nearest the face, shall be closed with substantial stoppings to be made as nearly air-tight as possible. In the making of the air-tight partitions or stoppings, no loose material or refuse shall be used.

Crosscuts between rooms, except the one nearest the face, shall be closed sufficiently to carry to the working places the amount of air required by law.

(g) When explosive gas in dangerous quantity is discovered in working places before the men go into the mine in the morning, such gas shall be removed by a special current of air produced by bratticing or from a pipe, before men are permitted to work in such places with other lights than safety lamps.

(h) If, in any mine, the conditions are such that in the judgment of the mine manager or the judgment of the State mine inspector expressed in writing, it is necessary to use safety lamps only in working said mine, other lights shall not be used therein.

(i) The air from the outlet of the stable shall not pass into the intake air current used for ventilating the working parts of the mine.

(j) All doors in mines, used in guiding and directing the ventilating currents shall be hung and adjusted so as to close automatically.

Door tenders. (k) At all doors through which three or more drivers are hauling coal on any one shift, an attendant shall be employed on said shaft [shift] for the purpose of opening and closing said doors when trips of cars are passing to and from the workings: *Provided*, The mine inspector in case of specially dangerous conditions, shall have power to require in writing that an attendant be placed at doors through which less than three drivers pass.

Places for shelter shall be provided at such doorways to protect the attendants from being injured by the cars while attending to their duties: *Provided*, That in any or all mines, where doors are constructed in such a manner as to open and close automatically, attendants and places for shelter shall not be required.

(l) If the inspector shall find men working without the amount of air required by law, he shall at once notify the mine manager to increase the amount of air in accordance with the law. Upon the failure or refusal of the manager to act promptly, and in all cases where men are endangered by such lack of air, the inspector shall at once order the men affected out of the mine.

(m) In case the passageways, roadways or entries of any mine are so dry that the air becomes charged with dust, the operator of such mine must have such roadways regularly and thoroughly sprayed, sprinkled or cleaned.

SEC. 15. (a) On all single-track haulage roads, where hauling is done by machinery, which roads the persons employed in the mine must use while performing their work or travel on foot to and from their work, there shall be places of refuge on one side not less than 3 feet in depth from the side of the car, and not less than 4 feet long and 5 feet in height and not more than 60 feet apart. On rope-haulage roads, means of signaling shall be established between the haulage engineer and all points on the road. A conspicuous white light must be carried on the front, and a conspicuous red light or white signal board on the rear of every trip or train of pit cars moved by machinery. R e f u g e  
places.

(b) On all haulage roads on which the hauling is done by draft animals, whereon men are obliged to be in the performance of their duties or have to pass to and from their work, there shall be places of refuge not less than 2½ feet in width from the side of the car, and not less than 4 feet long and 5 feet in height and not more than 60 feet apart.

(c) Refuge places shall not be required in entries on which room necks at regular intervals not exceeding 60 feet furnish the required refuge places.

(d) All places of refuge must be kept clear of obstructions and no material shall be stored nor be allowed to accumulate therein. They shall also be whitewashed not less than once in six months.

(e) One side of all haulage roads shall be kept clear of refuse or materials, except timbering, unless the rib or timbering on such side shall be 2½ feet or more from the rail, but in such case materials or refuse shall not be permitted within 2½ feet of the rail.

SEC. 16. When there is more than one link on either end of car, no swinging open-hook coupling shall be used on mine cars. C o u p l i n g  
cars.

Mine cars in use when this act shall become in force and effect shall be made to comply with this provision within one year thereafter.

SEC. 17. (a) Trolley wires or other exposed electrical wires shall not carry a voltage above 275 volts. E l e c t r i c  
wires.

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

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

SEC. 18. (a) All illuminating oils used in coal mines shall conform to such specifications as shall be prescribed by the State mining board. I l l u m i n a t i n g  
oil.

(b) All oils sold or offered for sale to be use for illuminating purposes in coal mines shall be stamped or branded upon the original barrel or package in which said oil is furnished to the person, firm or corporation selling or furnishing such oil to show that such oil has been tested and found to conform to the specifications prescribed by the State mining board.

(c) Any person, firm or corporation, either by themselves, agents or employees, selling or offering to sell for illuminating purposes in any mine in this State any oil not complying with the specifications of the State mining board as suitable for illuminating purposes as contemplated in this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than one hundred dollars for each offense; and any mine owner or operator or employee of such owner or operator who shall knowingly use, or any mine operator who shall knowingly permit to be used, for illuminating purposes in any mine in this State any oil the use of which is forbidden by this act, shall be guilty of a misdemeanor, and shall be fined not less than five dollars nor more than twenty-five dollars.

(d) The State mine inspectors shall have authority to sample all oil used for illuminating purposes in the mines of this State, or kept on hand for use or for sale at such mines, and for such purpose they may enter upon the premises of any person. It shall be their duty to send to the State mining board to be tested a sample of any oil they have reason to suspect does not comply with the specifications of the State mining board in regard to illuminating oil for use in mines; and if the said sample of oil is found after suitable tests not to comply with the provisions of this act, the person using said oil or selling or offering the same for sale, shall be prosecuted in accordance with the provisions of this act.

Powder in  
mines.

SEC. 19. (a) No blasting powder, or other explosives, shall be stored in any coal mine, and no workman shall have at any time in the mine more than thirty-five pounds of black powder nor more than twenty-five pounds of permissible explosives, nor more than three pounds of other high explosives: *Provided*, That nothing in this section shall be construed to prevent the operator of any mine from taking into the mine, when miners are not therein, and in electrically equipped mines, while the current is turned off on roadways through which it is transported, a sufficient quantity of powder for the reasonable requirements of such mine for the next succeeding working day, but in the interim before such powder is delivered to the men, it shall be kept in a closed receptacle.

Explosives shall not be carried in the same car with tools or other materials.

(b) Every person who has powder or other explosives in a mine shall keep the same in a wooden box, securely locked, with hinged lid, and said box shall be kept as far as practicable from the track; and all powder boxes shall be kept as far as practicable from each other and each in a secluded place. Black powder and high explosives or caps shall not be kept in the same box. Detonating explosives and detonators shall not be kept in the same box.

(c) Whenever a workman is about to open a box or keg containing powder or other explosive, and while handling the same, he shall place and keep his lamp at least five feet distant from said explosive, and in such position that the air current can not convey sparks to it, and no person shall approach nearer than five feet to any open box containing an open keg of powder or other explosive with a lighted lamp, lighted pipe or other thing containing fire. No miner, workman or other person shall open any receptacle containing an explosive except by the means of opening the same provided by the manufacturer thereof, and it shall be unlawful for any person to have in his possession in any mine any receptacle containing explosive which has been opened in violation of this act.

Charges.

(d) The quantity of powder to be used in the preparation of shots shall not, in any case, exceed five (5) standard charges full of powder in coal seams five and one-half (5½) feet or over in thickness; and shall not, in any case, exceed four (4) standard

charges full of powder in coal seams under five and one-half (5½) feet in thickness.

(e) For the purpose of determining the quantity of powder to be used in the preparation of any given shot, a standard charger is defined and prescribed to be a cylindrical metallic charger not to exceed twelve (12) inches in length and not to exceed one and one-half (1½) inches in diameter.

(f) No person shall drill or shoot a dead hole as hereinafter defined. A "dead hole" is a hole where the width of the shot at the point measured at right angles to the line of the hole is so great that the heel is not of sufficient strength to a least balance the resistance at the point. The heel means that part of the shot which lies outside of the powder.

In solid shooting, the width of the shot at the point, in seams of coal 6 feet or less in height, shall not be greater than the height of the coal, and in seams or [of] coal more than 6 feet in thickness, the width of the shot at the point shall, in no case, be more than 6 feet.

In undercut coal, no hole shall be drilled "on the solid" for any part of its length.

(g) In no case shall more than one kind of explosive be used in the same drill hole.

(h) The needle used in preparing a blast shall be made of copper, and any metallic tamping bar or scraper shall be tipped with at least five (5) inches of copper. A scraper shall not be used for tamping.

(i) Every blasting hole shall be tamped full from the explosive to the mouth of the hole, and no coal dust or any material that is inflammable or that may create a spark, whether the same shall be wet or dry, shall be used for tamping.

(j) When a squib is used to fire a shot it shall be unlawful to shorten or oil the match of the squib or to ignite it except at the end.

(k) Before firing a shot, the person firing the same shall see that all persons are out of danger from the probable effects of such shot, and shall take measures to prevent any one approaching by shouting "fire" before lighting the same.

(l) Not more than one shot shall be lighted at the same time in any working place unless the firing is done by electricity or by fuses of such length that the interval between the explosions of any two shots shall be not less than one minute, and in no case shall any shot or shots be fired or lighted which are termed depending or dependent shots, until after the expiration of ten minutes from the successful firing of the relieving shot or shots. When successive shots are to be fired in any working place in which the roof is broken or faulty, the smoke shall be allowed to clear away and the roof examined and made secure between shots.

(m) No person shall return to a missed shot, if lighted with a squib, until five (5) minutes have elapsed from the time of lighting the same, or, if lighted with fuse, until the following day; and no person shall return to a missed shot when the firing is done by electricity unless the wires are disconnected from the battery.

(n) No missed shot shall be withdrawn excepting by the use of copper-tipped or wooden tools.

Sec. 20. (a) It shall be the duty of the mine manager :

Duties of

1. To visit each working place in the mine at least once in two mine managers. weeks.

2. To provide a suitable checking system whereby the entrance into and departure from the mine of each employee shall be indicated.

3. To have the underground workings of the mine examined by a certificated mine examiner within twelve hours preceding every day upon which the mine is to be operated. Such a mine examiner shall make the examination as provided in this act, and he shall enter his report thereof before the men are permitted to enter the mine in the morning in a book provided for that purpose, which book shall be kept in some convenient place on top, but not

in the engine room or office, for the information of the inspector and other persons interested therein.

4. To examine the mine examiner's report in the morning, and if the working places are reported dangerous, he shall withhold the entrance checks of men working in such places until he has advised such men of the danger and instructed them not to work in such places until the reported danger has been removed, except for the purpose of removing same.

5. When there is to be a night shift mining coal, the mine manager shall require the places in which such night shift are expected to work to be examined for gas, or falls or dangerous roof, by the person in charge of such night shift or some competent person duly authorized by him before the men enter such places for work. The night shift may go into the mine while the night examiner is in the mine, excepting in mines where marsh gas has been detected in dangerous quantities, provided they do not go into the working places until the required examination is made.

Certificated mine examiners shall not be required for the examination preceding the night shift, excepting in mines where marsh gas is detected in dangerous quantities. The night examiner, or examiners, shall make a record of their examination in a special book kept for that purpose, which shall be kept in some convenient place on top when not in use by the examiner.

6. He shall provide a sufficient number of props, caps and timbers, when demanded, delivered on the miners' cars at the usual place, in suitable lengths and dimensions for the securing of the roof by the miners.

7. He shall see that the crosscuts are made at proper distances apart, and that the necessary doors, curtains, and brattices are provided to secure the men in the mine the volume of air required by this act, or by the written demands of the mine inspector; also, that all stoppings along airways are properly and promptly built.

8. He shall keep careful watch over all ventilating apparatus and the air currents in the mine, and in case of accident to fan or machinery by which the air currents are stopped or materially obstructed, he shall at once order the withdrawal of the men from the mine and prohibit their return until the required ventilation has been reestablished.

9. He shall measure the air current or cause of [the] same to be measured at least once each week at the inlet and outlet, and shall keep a record of such measurements for the information of the mine inspector.

10. He or his assistant shall, at least once a week, examine the roadways leading to the escapement shaft or other openings for the safe exit of men to the surface; and shall make a record of any obstructions to travel he may encounter therein, together with the date of their removal.

11. He shall examine or designate a competent person to examine the hoisting ropes, cages and safety catches every morning, and shall require the ropes to be tested by hoisting the cages before the men are lowered.

12. He must see that the top man and bottom man are on duty and that sufficient lights are maintained at the top and bottom landings when the miners are being hoisted and lowered.

13. The mine manager or his assistant shall be at his post at the mine when the men are lowered into the mine in the morning for work, and shall remain at night until all the men employed during the day shall have been hoisted out.

14. He shall give special attention to and instructions concerning the proper storage and handling of explosives in the mines.

15. He shall see that all dusty haulage roads are thoroughly sprinkled at regular intervals designated by the mine inspector.

(b) The mine manager shall have power:

1. To instruct employees as to their respective duties and to require of all employees obedience to the provisions of the mining law.

2. To prescribe special rules concerning the proper storage and handling of explosives in the mine and concerning the time and manner of placing and discharging the blasting shots, and it shall be unlawful for any miner to fire shots except according to such rules.

3. In mines in which the works are so extensive that all the duties devolving upon the mine manager cannot be discharged by one man, competent persons may be designated and appointed as assistants to the mine manager, who shall exercise his functions under the mine managers' instructions.

SEC. 21. (a) A certificated mine examiner shall be required at all coal mines. There shall be one or more additional certificated mine examiners whenever required in writing by the State mine inspectors when the conditions are such as to make the employment of such additional mine examiners necessary. Mine exam-  
iners.

(b) It shall be the duty of the mine examiner:

1. To examine the underground workings of the mine within twelve hours preceding every day upon which the mine is to be operated. Duties.

2. When in the performance of his duties, to carry with him a safety lamp in proper order and condition and a rod or bar for sounding the roof.

3. To see that the air current is traveling in its proper course and in proper quantity; and to measure with an anemometer the amount of air passing in the last crosscut or break through of each pair of entries, or in the last room of each division in long-wall mines, and at all other points where he may deem it necessary; and to note the results of such measurements in the mine examiner's book kept for that purpose.

4. To inspect all places where men are required in the performance of their duties to pass or to work, and to observe whether there are any recent falls or dangerous roof or accumulations of gas or dangerous obstructions in rooms or roadways; and to examine especially the edges and accessible parts of recent falls and old gobs and air courses.

5. As evidence of his examination of said rooms and roadways, to inscribe in some suitable place on the walls of each, not on the face of the coal, with chalk, the month and the day of the month of his visit.

6. When working places are discovered in which there are recent falls or dangerous roof or dangerous obstruction, to place a conspicuous mark or sign thereat as notice to all men to keep out; and in case of accumulation of gas, to place at least two conspicuous obstructions across the roadway not less than twenty feet apart, one of which shall be outside the last open cross-cut.

7. Upon completing his examination, to make a daily record of the same in a book kept for that purpose, for the information of the company, the inspector and all other persons interested; and this record shall be made each morning before the miners are permitted to enter the mine.

8. To take into his possession the entrance checks of all men whose working places have been shown by his examination and record to be dangerous, and to give such entrance checks to the mine manager before the men are permitted to enter the mine in the morning.

SEC. 22. It shall be the duty of the hoisting engineer:

1. To be in constant attendance at his engine or boilers at all times when there are workmen underground. Whenever it is the duty of the engineer to attend to the boilers, means for signaling from the shaft bottom to the boiler room shall be provided. Duties of  
hoisting engi-  
neers.

2. He shall not permit any one except persons duly authorized to enter the engine-room, and he shall hold no communication with any officer of the company or other person while the engine is in motion or while his attention is occupied with the signals.

3. The engineer or some other properly authorized employee shall:

(a) Keep a careful watch over the engines, boilers, pumps, ropes and winding apparatus under his jurisdiction.

(b) See that the boilers under his care are properly supplied with water, cleaned and inspected at frequent intervals.

(c) See that the steam pressure does not exceed the limit established by the boiler inspector, and frequently try the try cocks and the safety valves and shall not increase the weights on the same.

(d) See that the steam and water gauges are kept in good order, and if any of the pumps, valves or gauges become deranged or fail to act, promptly report the fact to the proper authority.

4. He shall thoroughly understand the established code of signals, and when he has the signal that men are on the cage, he must operate his engine at not to exceed the rate of speed permitted by this act.

5. He shall permit no one to handle, except in the discharge of duty, or meddle with any machinery under his charge or suffer any one who is not a certificated engineer to operate his engine except for the purpose of learning to operate it, and then only in the presence of the engineer in charge and when men are not on the cage.

Prohibited acts. Sec. 23. (a) It shall be unlawful for any person knowingly or negligently:

1. To injure or tamper with any appliance or machinery.

2. To carry an open light, pipe or fire in any form into any place worked by the light of safety lamps, or within five feet of an open package of explosive.

3. To open any locked safety lamp without permission from the proper authority.

4. To handle or disturb any part of the hoisting machinery without proper authority.

5. To obstruct or cause any obstruction in any air current or to leave open any door or other means provided to control the air current or to perform any act that will interfere with the ventilating current of the mine without permission to do the same from the mine manager.

6. To deface, pull down or destroy any notice board, danger signal, special rule or record book.

Intoxicated persons. (b) No person shall be permitted to or shall enter, work in or about a mine or mine buildings, tracks or machinery connected therewith while under the influence of intoxicants.

Duties of miners. (c) Every miner shall sound and thoroughly examine the roof of his working place before commencing work, and if he finds loose rock or other dangerous conditions, he shall not work in such dangerous place except to make such dangerous conditions safe. It shall be the duty of the miner to properly prop and secure his place for his own safety with materials provided therefor.

Rules to be posted. (d) It shall be the duty of every operator to post at some conspicuous point at the entrance to the mine, in such manner that the employees of the mine can read them, rules not inconsistent with this act, plainly printed in the English language, which shall govern all persons working in the mine. And the posting of such notice, as provided, shall charge all employees of such mine with legal notice of the contents thereof.

Disobedience of orders. (e) It shall be unlawful for any person to disobey any order given in pursuance of this act, or to enter any place against a danger signal without permission from the mine manager, or to do any willful act whereby the lives or health of persons working in mines or the security of the mine or the machinery thereof are endangered.

Check system. (f) No mine employee shall enter or leave a mine without indicating the fact of entering or leaving said mine by some suitable checking system provided by and under the control of the mine manager.

Riding on cars. (g) No person, except the persons necessary to operate the trip or car, shall ride on any loaded car or on the outside of any car, or get on or off a car while in motion.

(h) It shall be unlawful to change, exchange, substitute, alter or remove any number or check or other device or sign used to indicate or identify the person or persons to whom credit or pay is due for the mining of coal in any car or appliance containing the same, with intent to cheat or defraud any other person of the value of his services for mining the coal contained in such car or appliance; and it shall be unlawful for a person with intent to cheat or defraud any other to place any number, check or other device or sign upon any car or other appliance loaded by any other person in or about the mine. Any violation of this provision shall be deemed a larceny, and upon conviction thereof shall be punishable as provided in the general statutes of Illinois with respect to larceny. Changing car checks.

Sec. 24. (a) In no case shall the workings of any mine be driven nearer than 10 feet to the boundary line of the coal rights pertaining to said mine, except for the purpose of establishing an underground communication between contiguous mines, as provided for elsewhere in this act, or except by mutual agreement in writing between the adjoining owners. Boundaries.

(b) Whenever any working place approaches within 50 feet of abandoned workings of which there is a map prepared as required by law and which may contain dangerous accumulations of water or of gas, the operator of said mine shall advance by workings not more than 20 feet wide and maintain in advance of the face a bore hole not less than 10 feet in depth and one hole in each rib of the working place, 10 feet in depth, which side holes shall be drilled so as to make an angle of not less than forty-five degrees with the direction of the rib. If there is not a map of the abandoned workings, the holes heretofore provided for shall be drilled when the new workings are within 100 feet of where the old workings are supposed to be. Abandoned workings.

Sec. 25. (a) Any loss of life or personal injury in or about any coal mine shall be reported without delay by the person having charge of said mine to the State mine inspector of the district in which the mine is located, and the said inspector, in case of injury, if he deem necessary from the facts reported, and in all cases of loss of life, shall go immediately to the scene of said accident and render every possible assistance to those in need. Reports of accidents.

Every operator of a coal mine shall make or cause to be made and preserve for the information of the State mine inspector, upon uniform blanks furnished by said inspector, a record of all deaths and all injuries sustained by any of his employees in the pursuance of their regular occupations.

(b) If any person is killed in or about a mine, the operator shall also notify the coroner of the county, or in his absence or inability to act, any justice of the peace of said county, who shall hold an inquest concerning the cause of such death. The State mine inspector may question or cross-question any witness testifying at the inquest. Inquests.

(c) The State mine inspector shall make a personal investigation as to the nature and cause of all serious accidents within his jurisdiction. He shall make a record of the circumstances attending the same, as developed by the coroner's inquest and his own personal investigation, which record shall be preserved in the files in his office, and a copy thereof filed with the State mining board. To enable him to make such investigation he shall have power to compel the attendance of witnesses and to administer oaths or affirmations to them, and the cost of such investigations shall be paid by the county in which such accident has occurred, in the same manner as the costs of coroner's inquests are paid. Investigations.

Sec. 26. At every mine, it shall be the duty of the operator thereof to keep always on hand, and at some readily accessible place, a properly constructed stretcher, a woolen and waterproof blanket, and a roll of bandages in good condition and ready for immediate use for binding, covering and carrying any one who may be injured at the mine. When 100 or more men are employed at any mine, two stretchers and two woolen and two water- Provisions for accidents.

proof blankets, with a corresponding number of bandages, shall be provided and kept on hand. At mines where firedamp is generated, there shall also be provided and kept in store a suitable supply of linseed or olive oil, for use in case where men are burned by an explosion.

**Scales.** SEC. 27. (a) The operator of every coal mine where miners are paid by the weight of their output, shall provide at such mine suitable and accurate scales for the weighing of such coal, and a correct record shall be kept of all coal so weighed, and said record shall be open at all reasonable hours to the inspection of miners and others interested in the product of said mine.

**Weighman.** (b) The person authorized to weigh the coal and keep the record as aforesaid shall, before entering upon his duties, make and subscribe to an oath before some person duly authorized to administer oaths, that he will accurately weigh and carefully keep a true record of all coal weighed, and such affidavit shall be kept conspicuously posted at the place of weighing.

**Check weighman.** (c) The miners at work in any coal mine may employ a check weighman at their option and at their own expense, whose duty it shall be to balance the scales and see that the coal is properly weighed, and that a correct account of the same is kept, and for this purpose he shall have access at all times to the beam box of said scales, and be afforded every facility for verifying the weights while the weighing is being done. The check weighman so employed by the miners, before entering upon his duties, shall make and subscribe to an oath before some person duly authorized to administer oaths, that he will faithfully discharge his duties as check weighman, and such oath shall be kept conspicuously posted at the place of weighing.

**Employment of women and children.** SEC. 28. No boy under the age of sixteen years, and no woman or girl of any age, shall be permitted to do any manual labor in or about any mine, and before any boy can be permitted to work in any mine he must produce to the mine manager or operator thereof an affidavit from his parent or guardian or next of kin, sworn and subscribed to before a justice of the peace or notary public, that he, the said boy, is sixteen years of age.

The parent, guardian or next of kin shall submit in connection with said affidavit, a certificate of birth, a baptismal certificate, a passport or other official or religious record of the boy's age or duly attested transcript thereof, which certificate or transcript thereof shall, for the purposes of this act, establish the age of said boy.

Any person swearing falsely in regard to the age of a boy shall be guilty of perjury, and shall be punished as provided in the general statutes of the State pertaining to perjury.

**Violations.** SEC. 29. (a) Any willful neglect, refusal or failure to do the things required to be done by any section, clause or provision of this act, on the part of the person or persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any inspector in the discharge of the duties herein imposed upon him, or any refusal to comply with the instructions of an inspector given by authority of this act shall be deemed a misdemeanor punishable by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or both, at the discretion of the court: *Provided*, That in addition to the above penalties, in case of the failure of any operator to comply with the provisions of this act in relation to the sinking of escape-ment shafts and the ventilation of mines, the State's attorney for the county in which such failure occurs, or any other attorney, in case of his neglect to act promptly, shall proceed against such operator by injunction without bond, to restrain him from continuing to operate such mine until all legal requirements shall have been fully complied with.

(b) Any inspector who shall discover that any section of this act, or part thereof, is being neglected or violated, shall order immediate compliance therewith, and, in case of continued fail-

ure to comply, shall have power to stop the operation of the mine, or remove any offending person or persons from the mine until the law is complied with.

(c) For any injury to person or property, occasioned by any willful violation of this act, or willful failure to comply with any of its provisions, a right of action shall accrue to the party injured, for any direct damages sustained thereby; and in case of loss of life by reason of such willful violation or willful failure as aforesaid, a right of action shall accrue to the personal representatives of the person so killed for the exclusive benefit of the widow and next of kin of such person and to any other person or persons who were, before such loss of life, dependent for support on the person or persons so killed, for a like recovery of damages for the injuries sustained by reason of such loss of life or lives not to exceed the sum of ten thousand dollars: *Provided*, That every such action for damages in case of death shall be commenced within one year after the death of such person: *And, provided, further*, That the amount recovered by the personal representative of the person so killed shall be distributed to the widow and next of kin of such person in the proportion provided by law in relation to the distribution of personal property left by persons dying intestate: *Provided*, That if and whenever there shall be in force in this State, a statute or statutes providing for compensation to workmen for all injuries received in the course of their employment, the provisions thereof shall apply in lieu of the right of action for damages provided in this act.

SEC. 30. (a) Where used in this act, the words "mine" and "coal mine" are intended to signify any and all parts of the property of a mining plant, on the surface or underground, which contribute, directly or indirectly, under one management, to the mining or handling of coal.

Definitions.

(b) The words "excavation" and "workings" signify any or all parts of a mine excavated or being excavated, including shafts, slopes, tunnels, entries, rooms and working places whether abandoned or in use.

(c) The term "shaft" means any vertical opening through the strata which is or may be used for purposes of ventilation or escapement, or for the hoisting or lowering of men and material in connection with the mining of coal.

(d) The term "slope" means any inclined way in or to a seam of coal to be used for the same purposes as a shaft.

(e) The term "drift" means any practically horizontal way in or to a seam of coal to be used for the same purpose as a shaft.

(f) The term "operator" as applied to the party in control of a mine in this act, signifies the person, firm or body corporate who is the immediate proprietor as owner or lessee of the plant, and, as such, responsible for the condition and management thereof.

(g) The "mine manager" is the person who is charged with the general direction of the underground work.

(i) [h] The "mine examiner" is the person who is charged with the examination of the underground workings of the mine before the miners are permitted to enter it in the morning.

Approved June 6, 1911.

*Mine regulations—Protection against fire.*

(Page 419.)

[This act amends certain sections of the act, page 84, Acts of 1910.

Section 2 is amended by exempting mines employing not more than ten men from the provisions requiring a supply of chemical fire extinguishers. Chemical fire extinguishers.

Section 4 is amended by substituting the words "with an un-protected flame" for the word "open," so that the last sentence Un p ro t e c t e d lights.

of the section now reads "No light with an unprotected flame shall be taken into an underground stable by any person."

Sections 5 and 6 are amended so as to read as follows:]

- Telephones.** Section 5. (a) There shall be a system of party line telephones which shall include one telephone on the surface not more than two hundred (200) feet from the tippie, and one at the bottom of the hoisting shaft, or, in slope or drift mines at the first cross entries in operation; and, in addition thereto, there shall be one telephone at each inside parting. Telephone lines shall be constructed in a workmanlike manner and shall be repaired promptly when necessary.
- Notice of danger.** (b) On becoming aware of any serious danger requiring the inside employees to come out of the mine, it shall be the duty of the person having charge of the outside or inside telephone immediately to give notice of the danger to the other telephone stations; and it shall be the duty of all persons who receive information thereof to cooperate in giving notice thereof to all other persons in the mine. It shall be the special duty of all drivers, motormen and trip riders to notify all other drivers, motormen, trip riders or miners from who they haul coal, of any danger requiring them to leave the mine.
- Organization.** (c) Certain employees whose regular work is in or near the fire protected areas shall have graded authority and designated duties in case of fire; and rules and instructions therefor shall be included in the regular rules of the mine, and such employees shall be instructed therein by the mine manager.
- Fire drills.** (d) There shall be a fire drill of such employees not less often than once in two weeks, and the pipes, connections and hose shall be tested at such drills.
- Sec. 6. The following requirements also shall apply to all coal mines developed within the State of Illinois after the passage of this act: *Provided*, That paragraph[s] (a) and (b) shall not apply to mines where ten (10) men or less are employed.
- Shafts.** (a) The hoisting shaft and the air and escapement shaft designated as such under the law in shaft mines and the air and escapement shaft nearest the main opening in slope or drift mines, shall be of fireproof construction, except that cage guides may be wood: *Provided*, That this section shall not apply to shafts in actual course of construction at the time this act takes effect.
- Roofs and walls.** (b) The roof and walls of the passageways leading from the bottom of the hoisting shaft and the air and escapement shaft designated as such under the law, within a distance of three hundred (300) feet from the bottom of either of said shafts, shall be of fireproof construction, except that the coal rib or pillar may be used as a wall in such passageways.
- Stables.** (c) All underground stables and the openings therein shall be of fireproof construction.
- Provisions in case of fire.** (d) At mines constructed in conformity with the requirements of this section of this act, the fire fighting equipment described in section 2, and the fire drill described in section 5 of this act shall not be required, except that there shall be kept at convenient places designated by the mine manager, throughout each mine, one not less than three (3) gallon chemical fire extinguisher and one not less than six (6) gallon handpump bucket, for each fifty (50) employees in the mine with a minimum of six (6) extinguishers and six (6) pump buckets, and such extinguishers and buckets shall be kept filled and ready for use: *Provided*, That in mines employing ten (10) men or less underground, the chemical fire extinguishers shall not be required.
- County inspectors.** [Section 7 is amended by omitting the paragraph relative to the mode of appointment of county inspectors, which is provided for by the general mining law (p. 1019 above). It is also made the duty of State mine inspectors, as well as of county inspectors, to file complaints in courts when the law is found to be violated.]

*Coal mines—Fire fighting and rescue stations—Commission.*

(Page 424.)

[This act amends the act, page 2, Acts of 1910. The State commission is to include a member of the Federal Bureau of Mines, instead of a member of the Federal commission to investigate mine accidents.

Membership.

The manager of stations is authorized to procure technical assistance for the giving of instruction; also an extra assistant and a porter for each rescue car as needed from time to time. Reports are to be biennial instead of annual, as previously provided.]

Assistants.

Reports.

*Oil and gas wells—Proximity to mine shafts.*

(Page 426.)

SECTION 1. No oil or gas well shall be drilled hereafter nearer than 250 feet to any opening to a mine used as a means of ingress or egress for the persons employed therein or which is used as an air shaft.

Drilling wells.

Approved June 7, 1911.

*Factory regulations—Bakeries, confectioneries, etc.*

(Page 528.)

SECTION 1. Every building, room, basement, inclosure or premises, occupied, used or maintained as a bakery, confectionery, cannery, packing house, slaughterhouse, creamery, cheese factory, restaurant, hotel, grocery, meat market, or as a factory, shop, warehouse, any public or place or manufacturing establishment used for the preparation, manufacture, packing, storage, sale or distribution of any food as defined by statute, which is intended for sale, shall be properly and adequately lighted, drained, plumbed and ventilated, and shall be conducted with strict regard to the influence of such conditions upon the health of the operatives, employees, clerks, or other persons therein employed, and the purity and wholesomeness of the food therein produced, prepared, manufactured, packed, stored, sold or distributed.

Sanitation.

SEC. 3. The side walls and ceilings of every bakery, confectionery, creamery, cheese factory, and hotel or restaurant kitchen shall be so constructed that they can easily be kept clean; and every building, room, basement or inclosure occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable material which can be flushed and washed clean with water.

Walls and ceilings.

SEC. 5. Every such building, room, basement, inclosure, or premises occupied, used or maintained for the production, preparation, manufacture, canning, packing, storage, sale or distribution of such food, shall have adequate and convenient toilet rooms, lavatory or lavatories. The toilet rooms shall be separate and apart from the room or rooms where the process of production, preparation, manufacture, packing, storing, canning, selling and distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick or other nonabsorbent material, and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate ventilating flues and pipes discharging into soil pipes or shall be on the outside of and well removed from the building. Lavatories and wash rooms shall be adjacent to toilet rooms, or when the toilet is outside of the building the wash room shall be near the exit to the toilet and shall be supplied with soap, running water and towels and shall be maintained in a sanitary condition.

Toilet rooms, etc.

SEC. 6. If any such building, room, basement, inclosure or premises occupied, used or maintained for the purposes aforesaid,

Violations.

or if the floors, side walls, ceilings, furniture, receptacles, implements, appliances or machinery of any such establishment, shall be constructed, kept, maintained, or permitted to remain in a condition contrary to any of the requirements or provisions of the preceding five (5) sections of this act, the same is hereby declared a nuisance, and any toilet, toilet room, lavatory or wash room as aforesaid, which shall be constructed, kept, maintained or permitted to remain in a condition contrary to the requirements or provisions of section five (5) of this act, is hereby declared a nuisance; and any car, truck, or vehicle used in the moving or transportation of any food product as aforesaid, which shall be kept or permitted to remain in an unclean, unhealthful or insanitary condition is hereby declared a nuisance. Whoever unlawfully maintains, or allows or permits to exist a nuisance as herein defined shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished as herein provided.

**Cuspidors.**

SEC. 7. Every person, firm or corporation operating or maintaining an establishment or place where food is produced, prepared, manufactured, packed, stored, sold or distributed shall provide the necessary cuspidors for the use of the operatives, employees, clerks, and other persons, and each cuspidor shall be thoroughly emptied and washed out daily with water or a disinfectant solution, and five ounces thereof shall be left in each cuspidor while it is in use. Whoever fails to observe the provisions of this section shall be guilty of a misdemeanor, and punished as hereinafter provided.

**Duties of employees.**

SEC. 8. No operative, employee, or other persons shall expectorate on the food or on the utensils or on the floors or side walls of any building, room, basement or cellar where the production, preparation, manufacture, packing, storing or sale of any such food is conducted. Operatives, employees, clerks, and all other persons who handle the material from which such food is prepared or the finished product, before beginning work, or after visiting toilet or toilets, shall wash their hands thoroughly in clean water. Whoever fails to observe or violates the provisions of this section shall be guilty of a misdemeanor and punished by a fine of not more than twenty-five dollars.

**Sleeping in workrooms, etc.**

SEC. 9. It shall be unlawful for any person to sleep, or to allow or permit any person to sleep in any work room of a bake shop, kitchen, dining room, confectionary, creamery, cheese factory, or any place where food is prepared for sale, served or sold, unless all foods therein handled are at all times in hermetically sealed packages.

**Contagious or infectious diseases.**

SEC. 10. It shall be unlawful for any employer to require, suffer or permit any person who is affected with any contagious or venereal disease to work, or for any person so affected to work in a building, room, basement, inclosure, premises or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution, or transportation of food.

**Enforcement.**

SEC. 11. It shall be the duty of the State food commissioner and those appointed by him to enforce this act, and for that purpose the State food commissioner and his appointees shall have full power at all times to enter every such building, room, basement, inclosure or premises occupied or used or suspected of being occupied or used for the production, preparation or manufacture for sale, or the storage, sale, distribution or transportation of such food, to inspect the premises and all utensils, fixtures, furniture and machinery used as aforesaid; \* \* \*

Approved June 5, 1911.

**INDIANA.****ACTS OF 1911.****CHAPTER 56.—Inspection of boilers—Locomotive engines.****Inspector.**

SECTION 1. The railroad commission of the State of Indiana shall appoint, with the approval of the governor, a locomotive boiler inspector, who shall be qualified by actual experience of

not less than six years' work in the building or repairing of locomotive boilers to perform the services required of him as such inspector, who shall receive a salary of two thousand dollars (\$2,000) a year and traveling expenses. Said inspector shall have authority, when directed so to do by the railroad commission, to make examination and inspection of any locomotive boiler or boilers at any reasonable time or times, for the purpose of ascertaining whether the same can be operated without hazard to life, arising from use, wear, injury, imperfections in material, workmanship or arrangement of any part of such boiler and appurtenances. To that end such inspector shall have the right at all reasonable times to board and ride upon any steam locomotive which shall be operated over any railroad located wholly or in part within this State, and the several carriers subject to this act shall provide free transportation to such inspector while performing his said duties. Said inspector, after making such inspection, shall make and subscribe his name to a written or printed certificate, executed in duplicate, containing the number of each boiler inspected, the date of its inspection, the condition of the boiler inspected, and such details as may be required by the forms and regulations which shall be prescribed by said railroad commission. One of said certificates shall be sent by the railroad commission to the chief operating officer or employee of the railroad having charge of the operating of such locomotive boiler. If it shall be ascertained by such inspection that any locomotive boiler is unsafe for use, or inconvenient for operation to the extent of being unsanitary, the same shall not again be used after notice of such condition is served upon the railroad company by delivering to it a certificate aforesaid, until the locomotive shall have been repaired and made safe and convenient for operation as required by the provisions of this act.

Inspection of locomotive boilers.

Certificate.

Sec. 2. No boiler of any locomotive engine employed on railroads located in whole or in part within the State of Indiana, shall be operated thereon unless the same is equipped and maintained as follows: Each locomotive boiler shall be constructed of such material and in such a manner as to conform to the specifications of standard authorities upon boiler construction and operating; each of said boilers shall be equipped with safety valves, steam gauge, or gauges, gauge or try cocks, water glass or glasses, suitable wash-out plugs, and with at least one blow-off cock: *Provided*, That on all locomotives so constructed that the engineer and fireman, while operating said engine, can not, at their usual and proper places of duty, secure a plain view of the water glass or steam gauge, a water glass and steam gauge shall be provided which shall be in plain view of the engineer, and in addition thereto there shall also be placed and maintained a steam gauge and water glass in plain view of the fireman when at his usual and proper position on said engine. Suitable lamps shall be provided for both steam gauges and water glasses.

Equipment of boilers.

Sec. 3. It is hereby declared unlawful for any steam railroad company, or person or persons operating a steam railroad located wholly or in part within the State of Indiana, or for the directors, managers, or superintendents of such railroad to cause to be run within this State, a locomotive having one or more flues plugged at both ends, or a locomotive whose boiler leaks steam through any defective part, to such an extent that the vision of those riding on the engine is materially obstructed or their safety or health is imperiled thereby: *Provided*, That if the boiler of any engine after leaving its initial station commences to leak it may continue to the terminal without such railroad company incurring the penalty prescribed herein.

Defective boilers.

Sec. 4. It shall be unlawful for any such steam railroad or person or persons operating the same to cause to be run within the State of Indiana any locomotive engine without having the boiler thereof properly washed out when the water therein has become so foul as to induce priming; and it shall be the duty of every such railroad, or person or persons operating the same,

Boilers to be washed.

to cause the boiler of every locomotive used on such railroads within the State of Indiana to be washed out as often as shall be necessary to keep the same in safe and proper condition.

Burned  
crown sheets,  
etc.

SEC. 5. It is hereby declared unlawful for any steam railroad, or person or persons operating such railroad, to apply heat to any crown sheet or fire box that shall have been burned, while in service and in charge of an engineer or fireman until after the railroad commission has been informed of such accident and due time has been allowed for the State inspector to make a thorough examination of such defect for the purpose of ascertaining the true cause of the engine being burned. Forty-eight hours from the time the railroad commission receives notice of such accident will be regarded as reasonable time in which to have the inspector at the engine to be inspected: *Provided*, That this section shall be rendered inoperative if [the] engineer accused of burning said crown sheet or fire box admits in writing to [the] proper operating official that such accident was caused by reason of low water in [the] boiler.

Duty of en-  
gineers.

SEC. 6. It shall be the duty of all engineers and firemen of every locomotive engine whose boiler is not constructed and maintained in accordance to the requirements of this act to report to the railroad commission of Indiana any and all defects in such boiler as have first been called to the attention of the proper official or employee of the railroad operating the same and have not been corrected and adequately remedied by such railroad within a reasonable time thereafter. Such report shall not be made public by said commission, nor shall the same be deemed a violation of any rule of the railroad referred to in such report.

Violation.

SEC. 7. Every railroad company, person or persons operating a railroad located wholly or in part within the State of Indiana, or director, manager or superintendent thereof, violating any of the provisions of this act shall be liable to a penalty of five hundred dollars (\$500) for each offense, and the further penalty of ten dollars (\$10) for each day that such violation shall continue.

Enforcement.

SEC. 8. It shall be the duty of the railroad commission of Indiana to enforce the provisions of this act.

Approved March 1, 1911.

#### CHAPTER 60.—Railroads—Construction of caboose cars.

Application  
of law.

SECTION 1. The provisions of this act shall apply to any corporation or to any person or persons while engaged as common carriers in the transportation by railroad of passengers or property within this State to which the regulative power of this State extends.

Construction  
and equipment.

SEC. 2. From and after the first day of June, 1914, it shall be unlawful except as otherwise provided in this act, for any such common carrier by railroad to use on its line any caboose car or other car used for like purposes unless such caboose or other car shall be at least twenty-four (24) feet in length exclusive of the platforms and equipped with two four-wheel trucks and said caboose car or other car shall be of constructive strength equal to that of the sixty thousand pounds capacity freight cars, and shall be provided with a door in each end thereof and an outside platform across each end of said car; each platform shall not be less than twenty-four inches in width and shall be equipped with proper guardrails and with grab irons and steps for the safety of persons getting on and off said car. Said steps shall be equipped with a suitable rod, board or other guard at each end and at the back thereof properly designed to prevent slipping from said step. Said caboose shall have cupola, necessary closets and windows.

Repair of  
cars.

SEC. 3. Whenever any such caboose cars or other cars now in use by such common carriers as provided by section 1 herein shall after this act goes into effect, be brought into any shop for general repairs, it shall be unlawful to again put the same into

the service of such common carrier within this State unless it be equipped as provided in section 2 of this act.

SEC. 4. The provisions of this act shall not apply to the use of caboose cars operated in yards and in transfer service, and in case of unusual and unforeseen demands of traffic caboose cars not constructed in compliance with this act may be used temporarily: *Provided*, That the railroad company desiring to use the same shall apply to and obtain an order from the railroad commission granting the privilege to temporarily use the same.

Exceptions.

SEC. 5. The State railroad commission shall have the power to limit or prescribe the maximum height of any caboose to be used upon any railroad operating in or through the State and said commission is hereby authorized to grant to any common carrier aforesaid, upon full hearing and for good cause shown a reasonable extension of time in which to comply with the provisions of this act: *Provided*, That in no case shall such extension in the aggregate exceed a period of one year from the time herein limited for compliance with this act.

Height of cars.

Extension of time.

SEC. 6. Any common carrier as provided in section 1 of this act 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 nor more than five hundred dollars for each offense.

Violations.

SEC. 7. In addition to the powers heretofore granted to the railroad commission of Indiana, that said commission be and is hereby specifically empowered, authorized and directed immediately after the passage of this act to investigate the conditions and efficiency of cabooses now in use on railroads in this State and if found upon investigation that it is impossible for any railroad company to comply with sections 2, 3, 4, 5, and 6 of this act, said commission shall have the power to grant to such company the right to construct a caboose which in their judgment will be safe and convenient for the employees and traveling public but in no case shall said commission grant the permission of any railroad company from constructing a caboose that has less than two four-wheel trucks.

Powers of railroad commission.

Approved March 1, 1911.

CHAPTER 62.—*Sending wage claims outside State for collection.*

SECTION 1. Section 644 of "An act concerning public offenses," [Chap. 169, Acts of 1905,] is hereby amended so as to read as follows:

SECTION 664. Whoever directly or indirectly sells, assigns or transfers, purchases or accepts any claim or debt against a citizen of the State of Indiana, for the purpose of having the same collected or of collecting the same by proceedings in attachment or garnishment out of the wages or personal earnings of the debtor, in courts outside of the State of Indiana, or whoever with intent thereby to deprive a resident of the State of Indiana, of his or her right under the statute of Indiana on the subject of exemption of property from levy and sale on execution or in attachment and garnishment, sends or causes to be sent out of the State of Indiana, any claim for debt against any such resident for the purpose of having the same collected by proceedings in attachment or garnishment in courts outside of the State of Indiana, when the creditor and debtor and the person or corporation owing the money intended to be reached by such proceedings are within the jurisdiction of the courts of the State of Indiana, shall on conviction be fined [fined] in any sum not less than twenty dollars nor more than fifty dollars and the person or persons selling, transferring or assigning any such claim for the purpose or with the intent aforesaid shall be liable in an action of debt to the person or persons from whom any such claim shall have been collected by attachment or garnishment outside of the courts of the State of Indiana, for the full amount of the debt, interest and costs so collected, together with a rea-

What assignments forbidden.

Penalty.

sonable attorney's fee and the defendant or defendants therein shall not be entitled to the benefits of the exemption laws of the State of Indiana upon an execution process issued upon any judgment recovered in any such action. The assignment, sale, transfer or sending of such claim to a person not a resident of this State or the commencement of proceedings in attachment or garnishment on any claim in any court outside of the State of Indiana shall be prima facie evidence of the violation of this act.

Approved March 1, 1911.

CHAPTER 68.—*Payment of wages—Weekly pay day—Scrip.*

- Who to pay weekly.** SECTION 1. 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.
- Checks, etc., to be redeemable.** Sec. 2. 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.
- Price of merchandise.** Sec. 3. It shall be unlawful for any corporation, company, association, firm or person described in section one (1) 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.
- Failure to pay wages.** Sec. 4. 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.
- Violations.** Sec. 5. Every company, corporation, association, firm or person who knowingly and willfully violates any of the provisions of section three (3) of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five nor more than one hundred dollars.
- Construction of act.** Sec. 6. This act shall not in any way affect the liens of laborers, as now secured to them by the laws of this State.
- Sec. 7. An act \* \* \* approved February 14, 1887, [sections 7065-7070, A. S., 1901] is hereby repealed.
- Approved March 1, 1911.

CHAPTER 74.—*Railroads—Minimum switching crew.*

- Number of men in crew.** SECTION 1. It shall be unlawful for any person, firm or corporation owning trackage over twenty-five miles in length and engaged in operating standard gauge railroad switch engines in yard limits within the limits of the State of Indiana, to operate said engine in the business of switching cars or making up trains

with less than a full crew, consisting of not less than one engineer, one fireman, one foreman, and two helpers. Said foreman and one of said helpers must have had at least one year's experience as switchman, conductor or brakeman. Qualifications.

SEC. 2. Neither the foreman nor either of the helpers mentioned in section 1 shall be permitted to perform any other duties in addition to their duties as foreman or helpers, while the engine upon which they are working is actually engaged in the business of switching cars. Division of duties.

SEC. 3. Any person, firm or corporation violating any of the provisions of this act shall, upon conviction thereof, be fined for a first offense not less than one hundred dollars (\$100), and for the second offense not less than three hundred dollars (\$300), and for any offense thereafter, not less than one thousand dollars (\$1,000). Violations.

Approved March 2, 1911.

CHAPTER 76.—*Railroads—Accidents to be reported.*

[This act amends the requirements of section 23 of chapter 53, Acts of 1905, as to the reporting to the State railroad commission of accidents on railroads, by directing that reports be made by telegraph or telephone as soon as possible after the accident occurs, instead of being made within 5 days, without restriction as to means.] Method of reporting.

CHAPTER 80.—*Protection of employees on locomotive road engines—Storm windows.*

SECTION 1. All corporations, associations, companies, firms or persons, owning or operating locomotive road engines in this State, shall provide and equip said locomotive road engines with storm windows in both front windows in the cabs of said engines and said storm windows shall be so equipped and adjusted as to permit persons in charge of the same to have an unobstructed view through the same, when open under all climatic conditions and to prevent the view being obstructed by rain, snow or ice adhering thereto. Storm windows required.

SEC. 2. Every corporation, association, company, firm or person, who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than five dollars nor more than five hundred dollars for each offense so committed. Violations.

Approved March 2, 1911.

CHAPTER 88.—*Liability of employers for injuries to employees.*

SECTION 1. Any person, firm or corporation while engaged in business, trade or commerce within this State, and employing in such business, trade or commerce five or more persons shall be liable and respond in damages to any person suffering injury while in the employ of such person, firm or corporation, or in case of the death of such employee, then to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and if none, then to such employee's parents; and if none, then to the next of kin dependent upon such employee, where such injury or death resulted in whole or in part from the negligence of such employer or his, its or their agents, servants, employees or officers, or by reason of any defect, mismanagement or insufficiency, due to his, its or their carelessness, negligence, fault or omission of duty. Acts of fellow servants.

SEC. 2. In any action prosecuted under the provisions of this act, the burden of proving that such injured or killed employee did not use due care and diligence at the time of such injury or death, shall be upon the defendant, but the same may be proved under the general denial. No such employee who may have been Burden of proof.

- Risks not assumed, when. injured or killed shall be held to have been guilty of negligence or contributory negligence by reason of the assumption of the risk thereof in any case where the violation by the employer or his, its or their agents or employees, of any ordinance or statute enacted, or of any rule, regulation or direction made by any public officer, bureau or commission, was the cause of the injury or death of such employee. In actions brought against any employer under the provisions of this act for the injury or death of any employee, it shall not be a defense that the dangers or hazards inherent or apparent in the employment in which such injured employee was engaged, contributed to such injury. No such injured employee shall be held to have been guilty of negligence or contributory negligence where the injury complained of resulted from such employee's obedience or conformity to any order or direction of the employer or of any employee to whose orders or directions he was under obligations to conform or obey, *although* such order or direction was a deviation from other rules, orders or directions previously made by such employer.
- Direct or ders. SEC. 3. In any action brought against any employer under or by virtue of this act to recover damages for injuries or the death of, any of his, its or their employees, such employee shall not be held to have assumed the risks of the employment in any case where the violation of such employer or his, its or their agents or employees of any ordinance or statute enacted, or of any rule, direction or regulation made by any public officer or commission, contributed to the injury or death of such employee; nor shall such injured employee, be held to have assumed the risk of the employment where the injury complained of resulted from his obedience to any order or direction of the employer or of any employee to whose orders or directions he was under obligation to conform or obey although such order or direction was a deviation from other orders or directions or rules previously made by such employer. In any action brought against any employer under the provisions of this act to recover damages for injuries to or the death of, any of his, its or their employees, such employee shall not be held to have assumed the risk of any defect in the place of work furnished to such employee, or in the tool, implement or appliance furnished him by such employer, where such defect was, prior to such injury, known to such employer or by the exercise of ordinary care might have been known to him in time to have repaired the same or to have discontinued the use of such defective working place, tool, implement or appliance. The burden of proving that such employer did not know of such defect, or that he was not chargeable with knowledge thereof in time to have repaired the same or to have discontinued the use of such working place, tool, implement or appliance, shall be on the defendant, but the same may be proved under the general denial.
- Assumption of risks. SEC. 4. The damages recoverable under this act shall be commensurate with the injuries sustained, and in case death results from such injury, the action shall survive: *Provided*, That where any such injured person recovers a judgment under the provisions of this act and an appeal is taken from such judgment, and pending such appeal, the injured person dies and said judgment be thereafter reversed; or where such injured person dies after said judgment is reversed and before trial, the right of action of such person shall survive to his or her personal representative, and such action may be continued in the name of such personal representative, for the benefit of the person entitled under this act to receive the same.
- Damages. SEC. 5. Any contract, rule, regulation, by-law, or device whatsoever, the purpose, intent, or effect of which would be to enable any employer to exempt himself or itself from any liability created by this act, shall to that extent be void: *Provided*, That in any action brought against any such employer under or by virtue of any of the provisions of this act, such employer may set off therein by special plea any sum such employer has contributed or paid to any insurance, relief benefit, or indemnity for and on be-
- Actions survive, when.
- Contracts of waiver.
- Set-offs.



SEC. 2. Section twelve (12) of the above entitled act [shall] be amended to read as follows:

Structures  
near tracks.

Section 12. It shall hereafter be unlawful for any steam railroad carrier in this State engaged in operating a line of standard gauge railroad therein, or for any person or persons, association, municipal or private corporation, to build or maintain any structure of any kind, or any existing railway bridge, or to alter or rebuild an existing structure of any kind, or any existing railway bridge along the line of any such railroad in this State, in which that part of any such structure or bridge nearest to the track shall be less than seven (7) feet from the center thereof, without first obtaining permission of the railroad commission of Indiana so to do.

SEC. 3. Section thirteen (13) of said act shall be amended to read as follows:

Violations.

Section 13. Every such common carrier, party, person, association or municipal, [sic] or private corporation which shall violate any of the provisions of section 12 of this act, after receiving sixty days' notice from the railroad commission of Indiana that some provision of such section is being violated, shall be subject to a penalty of five hundred dollars for each violation to be recovered in an action to be brought by and in the name of the railroad commission of Indiana for and on behalf of the State of Indiana in any circuit or superior court in this State having jurisdiction of the offending party. Every person who shall without lawful authority injure, destroy or interfere with the proper and efficient operation of any brake, coupler, grab iron, handhold, drawbar, or other safety appliance or device mentioned in the above entitled act, or employed by any common carrier upon any locomotive, car or train, and every person who shall, without lawful authority, injure, destroy or interfere with the proper and efficient operation of any bell, alarm, signal or other safety appliance or device used by a carrier or carriers to protect any highway or railroad crossing within this State, where the same is crossed by a railroad track or tracks, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than five dollars and not more than five hundred dollars and imprisoned [imprisoned] in the county jail not less than thirty days nor more than six months.

Approved March 4, 1911.

CHAPTER 178.—*Railroad employees—Clearance cards—Wages due at termination of employment.*

Statement to  
be furnished.

SECTION 1. Whenever any employee of any railroad company doing business in this State shall be discharged or voluntarily quits the service of such company it shall be the duty of the officer having jurisdiction over such employee upon request of such employee, to issue such employee a letter duly signed by such officer setting forth the nature and character of service rendered by such employee to such railroad company and the duration thereof, and truly stating for what cause, if any, such employee has quit or been discharged from such service.

Refusal.

SEC. 2. Any officer having jurisdiction over employees referred to in section 1 of this act failing or refusing to issue such letter to such employee when so requested by the employee, failing or refusing to state the facts correctly, shall be deemed guilty of a misdemeanor and shall be punished by a fine in any sum not to exceed one hundred dollars (\$100).

Wages to be  
paid.

SEC. 3. Any railroad company employing men shall within seventy-two hours after any employee voluntarily quits such service or is discharged, pay to such employee in full the wages due to the time of quitting of such service: *Provided*, Demand is made therefor and upon failure so to do, such railroad company shall be liable to such employee for each day until such payment is made in a sum equal to the daily wage of the employee.

Violations.

SEC. 4. Any railroad company or officer of such company failing to comply with section 3 of this act shall be deemed guilty of a

misdeemeanor and shall be punished by a fine in any sum not to exceed one hundred (\$100) dollars.

Approved March 4, 1911.

CHAPTER 179.—*Accident insurance.*

SECTION 1. No company or association doing business in Indiana, nor any officer or agent of any such company or association insuring against fire or insuring any person against bodily injury or disablement resulting from accident and against disablement resulting from disease, or insuring against loss or damage resulting from accident to or injury sustained by an employee or other person for which accident or injury the insured is liable \* \* \* shall directly or indirectly pay, allow or offer to pay or allow as an inducement to any of the kinds of insurance or indemnity above enumerated, any rebate of premium in connection with a policy of any such insurance or a contract of indemnity for any of the purposes above enumerated, to be solicited or issued in this State. Nor shall any such company or association, officer or agent make any contract or agreement as to the amount of the premium to be paid on any such policy or contract solicited in this State other than as plainly expressed in such policy or contract, nor shall any such company or association knowingly issue a policy of insurance or contract of indemnity of the kinds enumerated above when any part of the premium or consideration therefor has been rebated: \* \* \* *And, provided further,* That nothing herein contained shall prohibit any individual, firm or corporation, employing fifty or more employees, from voluntarily paying for their employees who carry a policy of insurance in any such sick and accident insurance company, any part of the premium named in said policy of insurance. Such payment may be made either in cash or by services rendered the insurance company by said employer in the collection of premiums due from such employee: \* \* \*

Rebates forbidden.

Premium to be stated.

Payments of premiums by employers.

Approved March 4, 1911.

CHAPTER 188.—*Railroads—Block system.*

SECTION 1. Section 1 of \* \* \* [chapter 205, Acts of 1907] is amended so as to read as follows: Block system required.

Section 1. After the first day of January, 1912, it shall be unlawful for any person, firm or corporation, or lessee or receiver of any person, firm or corporation, which shall own or operate any line of steam or interurban railroad in this State to operate any train or car over such railroad by steam, by electric power or other power, unless such railroad is equipped with and has in operation an automatic block system or other system approved by the railroad commission of Indiana for the control of train or car movements thereon, unless the time therefor be extended by such railroad commission.

SEC. 2. Section 2 of the said \* \* \* act is amended so as to read as follows:

Section 2. Power and authority are hereby conferred upon the railroad commission of Indiana to extend the time specified in section 1 of this act, when it shall be made to appear to it that reasonable necessity for such extension shall exist. Full power and authority are also hereby conferred upon such commission to relieve any such carrier from the obligations imposed by section 1 of this act when it shall be made to appear that the volume of traffic, or train or car movement over such railroad are such only that the same can be dispatched without substantial hazard to life and property over a line not so protected. Full power and authority are also hereby conferred upon such commission to permit, authorize and order in place of the automatic block, either a controlled manual block, or a manual block, or a dispatcher's block, or any other form of block or other signaling system that Powers of commission.

is or may be hereafter devised or used, if in the judgment of such commission it shall be made to appear that a controlled manual block, or a manual block, or a dispatcher's block, or any other form of block or other signaling system now or hereafter devised or used shall reasonably conserve the safety of life and property, and whenever such order is made by the railroad commission, and such other form of block or other signaling is installed, operated and maintained in obedience to such order, it shall be taken and held as a full compliance with this act.

Sec. 3. Section 3 of said act is hereby amended so as to read as follows:

Violations.

Section 3. Any person, firm or corporation, receiver, or lessee who or which shall violate any of the provisions of this act shall forfeit and pay to the State of Indiana the sum of one thousand dollars per week for each week that trains shall be operated over any such railroads in violation of the act, the same to be collected by the railroad commission of Indiana by a suit in its name for the use of the State of Indiana in any court of competent jurisdiction.

Approved March 4, 1911.

CHAPTER 202.—*Railroads—Height of wires crossing tracks.*

Stringing  
wires re-  
stricted.

SECTION 1. It shall be unlawful for any person, firm or corporation hereafter to string or maintain any wire, electric or other, over the tracks of any steam, street or interurban street railroad company except in accordance with the provisions of this section. All such wires except the trolley wires of street or interurban street railroad companies shall be suspended over double cross arms attached to a pole at each side of the crossing unless a different construction for the support of such wires be first approved by the Railroad Commission of Indiana. The poles, if wooden are used, shall be not less than six (6) inches in diameter at the top nor less than twelve (12) inches at the surface of the ground; if iron poles are used they shall be not less than three (3) inches at the top and not less than five (5) inches at the surface of the ground; set not less than six (6) feet in the ground and well tamped and securely guyed; and unless the railroad right of way, steam, street or interurban, is not of greater width, shall be set not more than one hundred (100) feet apart at such crossings. All such wires shall be tied to insulators or pins set in the cross arms. The cross arms shall be attached to the poles by machine bolts and braced by at least one iron brace from each cross arm to the pole. And all telephone and telegraph wires hereafter suspended over the right of way of any railroad, or street or interurban street railroad, or any renewals of wires now in use at such crossings shall be of copper or aluminum. All such wires shall be maintained not less than twenty-five (25) feet above the surface of the rails at such crossings: *Provided*, That in case of trolley feed and other wires of any electric railroad extending over the tracks of any steam railroad in this State, the height of such wires above the surface of the rails of such steam railroads shall be not less than twenty-two (22) feet: *And, provided further*, That transmission power wires shall not be less than thirty-five (35) feet above the level of the tops of the rails of any steam, street, or interurban street railroad unless a different height be permitted by the Railroad Commission of Indiana.

Poles.

Wires.

Height.

Power-trans-  
mission wires.

SEC. 2. It shall be unlawful hereafter for any corporation or person to construct or maintain any wire for the transmission of power by electric current having a voltage of seven hundred or over, except trolley and trolley feed wires, over the tracks of any steam, street or interurban street railroad unless the same is suspended at the height of thirty-five (35) feet above the level of the top of the rails where such wire also crosses the line of any telegraph, telephone or other wire. Such transmission power wire shall be supported either by wooden or iron poles or iron towers and shall be securely fastened thereto. The towers or poles and

other structures supporting the crossing span shall be self-supporting or be so guyed as to be self-supporting. The crossing span shall not exceed two hundred feet in length unless authorized by the Railroad Commission of Indiana. Foundations for towers or other structures shall be designed to resist overturning and shall be extended above the ground as a protection to such structure, and such transmission power wire shall be protected by wire basket, supporting cable, or other device from falling upon other wires or the tracks of such railroads. Before any person or corporation shall construct any such transmission power wire over the tracks of any such railroad such person or corporation shall submit plans and drawings therefor to the Railroad Commission of Indiana and such commission shall have power to approve or make such alterations or changes therein as will make the same conform to the provisions of this act, and it shall be unlawful to string any such wire over any steam, street or interurban street railroad without the approval of such commission.

Sec. 3. After the passage of this act, the Railroad Commission of Indiana, upon information obtained through its inspection department or otherwise that any wire or wires crossing any steam, street or interurban street railroad, as referred to in section 1 of this act, should be raised to a greater height or other thing done with reference thereto to guard against accidents and to conform to this act, shall order such change or changes to be made and the expense thereof shall be borne by the companies or persons owning or operating such wires. Duty of rail-  
road commis-  
sion. 1

Sec. 4. The Railroad Commission of Indiana is hereby vested with authority to enforce the provisions of this act, and any person, firm or corporation ordered by the commission to change its wires as to comply with this act, failing to comply with such order within thirty days from the service thereof, shall be liable for a penalty or forfeiture of twenty-five (\$25) dollars, and to a like penalty or forfeiture for every thirty days during which it shall fail to comply with the order of the commission, unless a greater length of time to make such change shall be specified by the commission in said order, or upon cause shown. Any such penalty or forfeiture may be recovered in an action brought in the name of the State of Indiana on the relation of the attorney general. In the event of a recovery under this act, the judgment shall include a docket fee of twenty dollars which shall inure to the benefit of the attorney general and the same shall be taxed as costs. Enforcement. }

Approved March 6, 1911.

CHAPTER 209.—*Employment of children—General provisions.*

SECTION 1. No child under the age of fourteen (14) years shall be employed or permitted to work in any gainful occupation other than farm work or domestic service, excepting that any child between the ages of twelve (12) years and fourteen (14) years may be employed or permitted to work in the business of preserving and canning of fruits and vegetables from the first day of June to the first day of October of each year. Age limit.

Sec. 2. No child under sixteen (16) years of age shall be employed or permitted to work in any gainful occupation other than farm work or domestic service, more than forty-eight (48) hours in any one week, or more than eight (8) hours in any one day, unless the employer shall have first procured the written consent of the parent, legal or natural guardian of said child, but in no event shall any such child work at any gainful occupation other than farm work or domestic service more than fifty-four (54) hours in any one week or nine (9) hours in any one day. Hours of la-  
bor.

Sec. 3. No child under sixteen (16) years of age shall be employed or permitted to work in any gainful occupation other than farm work or domestic service, before the hour of seven (7) in the morning, or after the hour of six (6) in the evening. Night work.

**Prohibited employments.** SEC. 4. No child under the age of sixteen (16) years shall be employed or permitted to work in any tobacco warehouse, cigar or other factory where tobacco is manufactured or prepared, hotel, theater, or place of amusement; or in any employment where their health may be injured or morals depraved. And no boy under the age of sixteen (16) years and no girl under the age of eighteen (18) years shall be employed or permitted to work in or about any brewery, distillery, saloon, concert hall, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled; or in dipping, dyeing, or packing matches, or manufacturing, packing or storing gunpowder, dynamite, nitroglycerin or its compounds, fuses or other explosives. Nor shall girls under the age of eighteen (18) years be employed in any capacity where such employment compels them to remain standing constantly.

**Same subject.** SEC. 5. No child under the age of sixteen (16) years shall be employed or permitted to operate circular or band saws; wood shapers, wood joiners, planers, stamping machines used in sheet metal or tin work manufacturing, stamping machines in washer or nut factories, and all other stamping machines used in stamping metals; steam boilers; steam machinery; or other steam generating apparatus, dough brakes or cracker machinery of any description, wire or iron straightening machinery, rolling mill machinery, punch or shears, grinding or mixing mills, calender rolls in rubber manufacturing or laundry machinery, corrugating rolls of the kind used in roofing or washboard manufacturing.

**Violations.** SEC. 6. Any person who violates any provision of this act or who suffers or permits any child to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, an [and] on conviction shall be fined not less than five dollars (\$5), nor more than two hundred dollars (\$200), to which may be added imprisonment for not more than ten (10) days in the county jail, and for a second or subsequent offense he shall be imprisoned in the county jail for not less than ten (10) days nor more than thirty (30) days.

Approved March 6, 1911.

#### CHAPTER 226.—*State bureau of inspection.*

**Bureau created.** SECTION 1. There shall be and is hereby created a bureau to be known as the State bureau of inspection. The governor shall appoint a chief inspector to have charge of said bureau, who shall hold his office for a period of four years, and until his successor is appointed and qualified. The annual salary of said chief inspector shall be four thousand (\$4,000) dollars, and the actual expenses when absent from his office in the discharge of his official duties. Said chief inspector shall, before entering upon his official duties, execute to the State of Indiana a bond in the sum of three thousand (\$3,000) dollars, with good and sufficient surety conditioned for the faithful performance of the duties of said office and the proper expenditure of all moneys that may come into his hands as such chief inspector, which bond shall be subject to the approval of the governor and filed in his office.

SEC. 2. Said bureau of inspection shall consist of the following departments:

**Departments.** First. Department of inspection of buildings, factories and workshops;

Second. Department of inspection of mines and mining;

Third. Department of inspection of boilers.

The governor shall also appoint the following deputy inspectors: Inspector of buildings, factories and workshops; inspector of boilers, and an inspector of mines and mining.

Said deputy inspectors shall hold their office for a term of four years and until their successors are appointed and qualified. The salaries of said deputies shall be two thousand (\$2,000) dollars, per annum, and actual traveling expenses when absent from home in the discharge of their official duties. Each deputy inspector,

shall, before entering upon his official duties, execute to the State of Indiana, a bond in the sum of one thousand (\$1,000) dollars, with good and sufficient surety, conditioned for the faithful performance of duties of said office. Said chief inspector and each of said deputies may employ a stenographer at a salary of nine hundred (\$900) dollars, per annum. For the purpose of carrying out the provisions of this act each deputy inspector, by and with the consent of the chief inspector, may appoint three assistants at a salary of twelve hundred (\$1200) dollars, per annum, and actual expenses when away from home in the discharge of official duties. The salary and actual expenses of said deputy inspectors, assistants and stenographers shall be paid monthly as due, on voucher duly attested before some officer authorized to administer oaths, and approved and signed by the chief inspector; and the salary and actual expenses of the chief inspector shall be paid in monthly installments, out of the treasury of the State, upon warrants of the auditor of State. With the consent of the governor each of said deputies may appoint two additional assistants at the annual salary above provided for. The chief inspector may appoint a license clerk at an annual salary of twelve hundred (\$1200) dollars and a bookkeeper for such department at an annual salary of one thousand (\$1,000) dollars. No one shall be appointed deputy or assistant deputy inspector who has not had at least ten years' practical experience in the line of employment to which he is assigned as inspector.

Bonds.

Assistants.

SEC. 3. Said deputy inspector of buildings, factories and workshops, and said deputy inspector of mines and mining, shall have all the powers and perform all the duties now conferred by law upon the chief inspector of factories, and inspector of mines, and labor commissioners respectively, which offices are by this act hereby abolished.

Powers and duties.

SEC. 4. The inspector of boilers shall make or cause to be made, an inspection of every stationary boiler at least once every year, and such inspection shall determine whether such boilers are safe, and whether the laws of the State relating to boilers are complied with, and shall perform all duties in relation to the inspection of boilers, now performed by the chief inspector of the department of inspection.

Inspection of boilers.

SEC. 5. Said assistant inspectors shall make inspection and perform such duties as may be assigned them by the chief inspector, and the deputy inspector of the department to which they belong, and after making each inspection file a written report of such inspection with said chief inspector, setting forth the character of such inspection. Said deputy inspectors in making inspections shall likewise make a report to said chief inspector.

Duties of assistants.

Reports.

SEC. 6. The chief inspector shall submit to each person, firm or corporation, subject to the provisions of this act, a blank form upon which such person, firm or corporation shall report to the chief inspector the following information, and such other facts as may be required by the chief inspector:

Blanks to be furnished.

1. Officers.
2. Character and location of the business.
3. Number of persons employed; males, females.
4. Description of buildings and equipments, number of floors, elevators, boilers and fire escapes.

SEC. 7. Every person, firm or corporation operating any business, regularly employing five or more persons, shall annually pay to the chief inspector the sum of one (\$1) dollar as a license fee and upon the receipt thereof, the chief inspector shall give to such person, firm or corporation a certificate showing the license fee has been paid: *Provided*, That the provisions of this section shall not apply to agriculture or domestic service. Within thirty (30) days after his appointment and annually thereafter, the chief inspector shall cause to be published in a paper published in the county seat of each county of the State a notice setting forth the provisions of this section. Any person, firm or corporation subject to the provisions of this act failing or refusing to comply

License fee.

Certificate.

Violations.

with the provisions of this section within sixty days thereafter shall be guilty of a misdemeanor and on conviction shall be subject to a fine of twenty-five (\$25.00) dollars.

Act, supple-  
mental.

SEC. 10. Nothing contained in the provisions of this act shall affect, amend, repeal or alter in any way the present inspection laws of this State, except as herein set forth, but this act shall be deemed additional and supplemental thereto.

Approved March 6, 1911.

CHAPTER 233.—*Railroads—Qualifications of section men.*

Who must  
know flagging  
rules.

SECTION 1. It shall be unlawful for any steam railroad company doing business in the State of Indiana to permit any foreman or person having charge of section men employed for the purpose of building, constructing, and repairing railroad tracks to operate with such section men outside of yard limits, without such foreman or person having two men in such section [gang] who are capable of passing the examination of flagging rules of such company.

Violations.

SEC. 2. If any person shall knowingly engage, require, persuade, prevail upon or cause any foreman or person to violate section 1 of this act he shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense.

Approved March 6, 1911.

CHAPTER 236.—*Liability of employers for injuries to employees—Dangerous occupations.*

Scope of  
law.

SECTION 1. Every employer, or person, managing or conducting any business, or work, or plant in the State of Indiana, of the character mentioned in this act, is, for purposes of this act, conducting a dangerous occupation at the time of such occurrence, and subject to the provisions of this act.

Counter-  
floors in erec-  
tion of build-  
ings.

SEC. 2. It shall be unlawful for any person, firm or corporation engaged in erecting or having erected any building or structure three stories or more in height, to begin the erection of any floor or story above the second story or floor from the ground or excavation until a flooring, staging or protection shall have been laid or placed on the second tier of beams or story from the excavation or ground level or to continue the erection or construction of such building more than two stories or tier of beams above such flooring or protection. Flooring, staging or protection shall at all times be laid and maintained to within the second story or floor below where workmen are engaged and in no instance, shall workmen be employed more than twenty-five feet above any flooring, staging or protection. Such floorings, staging and protections shall be so constructed and of such strength as will prevent the falling of materials or injury to workmen. All persons engaged in work or labor on buildings and other structures shall be protected from falling materials from above them by adequate floorings, stagings or other protections. It shall be the duty of owners, contractors and subcontractors to see and require that the provisions of this act are complied with.

Staging  
scaffolding.

SEC. 3. In the construction of any steel, iron, frame or other building having a clear story of twenty-five feet elevation, from the ground or excavation, a staging or scaffolding with closed plank flooring shall be placed under the whole extent of beams, girders, trusses or joints of such story upon which structural iron workers, carpenters, masons, or other persons are working, and not more than ten feet below the under side of such beams, girders, trusses or joists. In erecting, constructing, or repairing any wall, chimney, smoke stack, tower, cupola, bridge, framework, dome, arch, water pipe, stand pipe, tank, pole, staff, coal bunker, roof, dwelling or structure of any kind whatever thirty feet or more in height, where there are no well defined stories, sections,

girders, joists, beams or trusses, crossing or intersecting the same, where the employees are working, there shall be staging or scaffolding placed not more than ten feet below where the masons, carpenters, structural iron workers, or other employees are working on such building, walls, or structures aforesaid, such staging or scaffolding shall be placed and maintained in such manner as to prevent the falling through of such employees or materials, and in such manner that workmen and others having a right to pass under or along or near such structure shall not be injured by the falling of any materials or any workmen. Whenever workmen are employed and are working on any such structures, and are using or working on any staging or scaffolding, swing, hammock or similar contrivance, it shall be the duty of the owner of such structure and all contractors, subcontractors, and employers to maintain, at all times that workmen are employed thereon, railings or other devices to make such staging, scaffolding, hammocks, or other devices safe, and if men are working over and above to keep and maintain a second scaffolding or other device above the one upon which such workmen are employed, so as to prevent any workman from being injured by falling objects from above.

Protective  
staging.

SEC. 4. It is hereby made the duty of all owners, contractors, subcontractors, corporations, agents, or persons whatsoever, engaged in the care, operation, management, construction, erection, repair, alteration, removal, painting, handling, or selling of any building, bridge, viaduct, shop, factory or business of whatsoever kind, or in the erection, repair, or operation or management of any machinery, mechanism or contrivance, or in the transmission, generation or use of any electricity or other power, or in the manufacture, operation, preparation, transportation, production, marketing or use of any dangerous or other appliances, substance, commodity, or article, to see and to require that all metal, wood, rope, chains, wires, elevators, gates, gutta-percha, minerals, chemicals, explosives, machinery, appliances, ways, works, plants, tools, all contrivances, and everything whatsoever used therein, are carefully selected, inspected and tested, so as to detect and exclude defects and dangerous conditions, and that all scaffolding, staging, hoists, elevators, false work, or temporary or permanent structures, machinery, appliances, tools, mechanisms, and all contrivances used, are amply, adequately and properly constructed, to bear all weight and adapted to and perform the services and meet the requirements for which they are designed or used with safety, and that they are properly and safely used, operated, handled and maintained, and that all staging and scaffolding, more than twenty feet from the ground, are made safe and secure from swaying, and provided with safeguards so as to prevent the falling of workmen, and that all dangerous machinery, mechanism, contrivances, tools, hoists, elevators, and cars are securely fenced, guarded, covered, or otherwise protected with safety arrangements and appliances to the fullest extent possible that the operation of such machinery, hoists, elevators, and other devices and contrivances shall permit, and that all shafts, openings, wells, stairways, floor openings, and similar places or conditions of danger, are enclosed and protected, and that all hoists, machinery, or mechanism operated other than by hand power, are, when necessary for the safety of persons employed in or about the same, or for the safety of the general public, provided with a system of communication by means of signals or otherwise, so that at all times there may be prompt and efficient communications between the employees and other persons and the operator of the motive power, and that in the transmission and use of electricity of a dangerous voltage full and complete insulation shall be provided at all points where the public or any employees of the owner, contractor, or subcontractor, transmitting or using said electricity, are liable to come into contact with the wire or wires, and that dead wires are not mingled with live wires, nor to be strung upon the same support, and

Inspection of  
appliances.

Guards for  
machinery.

S h a f t s ,  
hoists, etc.

Electrical ap-  
pliances.

the arms or supports bearing live wires are especially designated and distinguished by a color or other designation which is instantly apparent, and that live electrical wires carrying a dangerous voltage are strung at such distance from the poles or supports as to permit repair men to freely engage in their work without danger of shock; and, generally, it shall be the duty of all owners, managers, operators, contractors, subcontractors, and all other persons having charge of, or responsible for, any work, mechanism, machinery, appliance, building, factory, plants, means, employment, or business of whatsoever nature, involving risk or danger to employees, or to the public, to use every device, care and precaution which it is practicable and possible to use for the protection and safety of life, limb and health, limited only by the necessity for preserving the reasonable efficiency of such structure, ways, work, plant, building, factory, elevator, cars, engines, machinery, appliances, apparatus, or other devices or materials, without regard to additional cost of suitable materials or safety appliances, or safe conditions, or operations, the first concern being safety to life, limb and health.

Conditions to be safe.

Violations.

SEC. 5. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than ten dollars and not more than five hundred dollars for each violation thereof.

Approved March 6, 1911.

#### CHAPTER 261.—*Railroad employees—Imputations of dishonesty.*

Falsely charges.

SECTION 1. Every person who shall by any letter, mark, sign or designation whatever, or by any verbal statement, falsely and without probable cause, report to any railroad or any other company or corporation, or to any person or firm, or to any of the officers, servants, agents or employees of any such corporation, person or firm, that any conductor, brakeman, engineer, fireman, station agent or an employee of such railroad company, corporation, person or firm has received any money or thing of value for the transportation of persons or property or for other service for which he has not accounted to such corporation, person or firm, or shall falsely and without probable cause report that any conductor, brakeman, engineer, fireman, station agent or other employee of any such railroad company, corporation, person, or firm, neglected, failed or refused to collect any money or ticket for transportation of persons or property or other service when it was their duty so to do, shall, on conviction, be adjudged guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).

Approved March 6, 1911.

#### CHAPTER 273.—*Private employment offices.*

Exemptions.

[This chapter amends chapter 94, Acts of 1909, by exempting from its provisions agencies, bureaus, or associations organized under the laws of the State for the purpose of procuring for their members employment of an educational or professional character; exempted institutions and organizations can charge no fee, directly or indirectly, for their services.]

Approved March 6, 1911.

#### CHAPTER 274.—*Free public employment offices.*

Offices created.

SECTION 1. A free employment office is hereby created in each city of not less than fifty thousand population, for the purpose of receiving applications of persons seeking employment and applications of persons seeking to employ labor. Such offices shall be designated and known as Indiana Free Employment Offices.

SEC. 2. Within sixty days after this act shall take effect the chief of the bureau of statistics shall appoint a superintendent and a clerk for each of the offices created by section 1 of this act, who shall discharge, under his direction, the duties herein set forth and such other duties in connection therewith and in the collection of statistics as he may require. The tenure of such appointment shall be optional with the chief of the bureau of statistics. The salary of each superintendent shall be fixed by the chief of the bureau of statistics in a sum not to exceed one thousand two hundred dollars (\$1,200) per annum. The salary of such clerk shall be fixed by the chief of the bureau of statistics in a sum not to exceed eight hundred dollars (\$800) per annum.

Superintend-  
ents.

SEC. 3. The superintendent of each such free employment office shall, within sixty days after appointment, open an office at a place in such city as shall have been agreed upon between such superintendent and the chief of the bureau of statistics as being more [most] appropriate for the purpose intended. Such office shall be provided with a sufficient number of rooms and apartments to enable him to provide, and he shall so provide, a separate room or apartment for the use of women registering for situations or help. Upon the outside of such office, in position and manner to secure the fullest public attention, shall be placed a sign which shall read in the English language, "Indiana Free Employment Office," and the same shall appear either upon the outside windows or upon the signs in such other languages as the location of each such office shall make advisable. The superintendent or clerk of each such free employment office shall receive and record in books kept for that purpose, the names of all persons applying for employment or help, designating opposite the names and addresses of each applicant the character of help or employment desired. A separate register for applicants for employment shall be kept, showing the age, sex, nativity, trade or occupation of each applicant, whether married or single, the number of dependent children, together with such other facts as may be required by the chief of the bureau of statistics: *Provided*, That the special registers shall not be open to public inspection at any time, and that such statistical and sociological data as the bureau may require shall be held in confidence by said bureau, and if used it shall be so used as not to reveal the identity of any person on such register: *And provided further*, That any applicant who shall decline to furnish answers as to the questions contained in special registers shall not thereby forfeit any rights to any employment the office might secure.

Office.

Records.

SEC. 4. Each such superintendent shall report on Thursday of each week to the State bureau of statistics the number of applications for positions and for help received during the preceding week, and the number of positions secured, also the unfilled applications remaining on the books at the beginning of the week. The report shall also show the number and character of the positions secured during the preceding week.

Weekly re-  
ports.

SEC. 5. It shall be the duty of each such superintendent of a free employment office to immediately put himself in communication with the employers of labor, and to use all diligence in securing the cooperation of employers with said employment office. To this end it shall be competent for such superintendents to advertise in the columns of the newspapers, or other medium, for such situations as he has applicants to fill, and he may advertise in a general way for the cooperation of large contractors and employers in such trade journals or special publications as reach such employers, whether such trade or special journals are published within the State of Indiana or not.

Advertising,  
etc.

SEC. 6. It shall be the duty of each such superintendent to make a report to the State bureau of statistics annually, not later than December 1st of each year, concerning the work of his office for the year ending October 1st of the same year, together with a statement of the expenses of the same.

Annual re-  
ports.

**Fees.**            **Sec. 7.** No fee or compensation shall be charged or received, directly or indirectly, from persons applying for employment or help through said free employment offices, and any superintendent or clerk who shall accept, directly or indirectly, any fee or compensation from any applicant, or from his or her representative, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five nor more than fifty dollars and imprisoned in the county jail not more than thirty days.

**Definitions.**    **Sec. 8.** The term "applicant for employment" as used in this act shall be construed to mean any person seeking work of any lawful character, and "applicant for help" shall mean any person or persons seeking help in any legitimate enterprise; and nothing in this act shall be construed to limit the meaning of the term "work" to manual occupation, but it shall include professional service and all other legitimate service.

Approved March 6, 1911.

CHAPTER 276.—*Examination, etc., of coal miners.*

**Occupation dangerous.**    **SECTION 1.** The business of mining coal is hereby declared a dangerous occupation, industry and business subject to the provisions of this act. In every county in this State where the business of coal mining is carried on or shall hereafter be carried on, the board of county commissioners of such counties shall appoint a miners' examining board, said board to consist of two resident coal miners who shall have had at least five years' practical experience in mining coal and shall at the time of their appointment be engaged as miners of coal in the county wherein they are appointed and one resident of said county who is a coal operator or mine owner. It shall be lawful for the coal miners individually or through their organizations to recommend coal miners for such appointment on such boards and for the coal operators or mine owners to recommend some mine owner or coal operator for appointment. Said members of said boards shall hold office until the first Monday of the January next following their appointment, or until their successors shall have been appointed and qualified. Any vacancy occurring on any of the said boards may be filled by the board of county commissioners at any regular session of said board. The first appointments shall be made immediately after this act becomes effective and thereafter on the first Monday of each January of each year, or any time thereafter: *Provided*, That the provisions of this act shall not apply to any county in this State unless there is located in such county a coal mine employing ten (10) or more miners.

**Examining board.**

**Organization.**    **Sec. 2.** Each board shall organize by electing one of their number president and one member as secretary and one as treasurer: *Provided*, That the same member may serve as both secretary and treasurer. Each member shall within ten days after his appointment qualify by taking oath or affirmation before some qualified officer that he will faithfully, honestly and impartially discharge his official duties, which oath shall be filed with the auditor of the county in which he resides and from which he is appointed. The member being chosen as treasurer shall qualify by filing with the auditor his bond in the penal sum of five hundred dollars, which bond shall be approved by the board of county commissioners. Members of said board shall receive as compensation for their services the sum of four (\$4) dollars per day for each day actually engaged in their official duties, and all legitimate and necessary expenses incurred in attending the meetings of said board, which sum shall be allowed by the county commissioners, and money for the payment of the same shall be appropriated by the common council, and the county treasurer shall pay the same.

**Certificates required.**    **Sec. 3.** After the 15th day of May, 1911, no person shall be employed or engaged as a miner in any coal mine in this State without first obtaining a certificate of competency and qualification so to do from the miners' examining board of some county

in the State of Indiana: *Provided*, That the above provisions shall not prevent the employment of a person not having such certificate to work in the same room with or under the direction of a miner having such certificate, for the purpose of becoming qualified to become a miner and to receive such certificate under the provisions of the act: *Provided*, That any male person desiring to work with a qualified miner to become qualified shall first obtain a permit from the miners' examining board by stating his age, nativity and residence and paying the sum of one (\$1) dollar therefor. The miners' examining board shall grant a permit to all applicants who are of legal age and who have such intelligence and character that they will not be a menace to life and property. It shall be the duty of the State mine inspector to prepare the form of certificates, permits and books specified and provided for in this act and it shall be the duty of all miners' examining boards in this State to use and adopt the forms prescribed and prepared by the State mine inspector. All expenses provided for and authorized by this act shall be paid out of the county treasury of the counties where the boards contracting the same are located.

Sec. 4. The said board shall keep a permanent book for the purpose of registering the names of all applicants for certificates of competency and qualifications and of all persons applying for permits to work for the purpose of learning the business or occupation of mining. Said book shall contain a printed form of application which shall be filled out, signed and sworn to by each applicant showing his name, address, nativity, date of birth, race and residence of parents, if living, and what experience, if any, such applicant has had in mining and the location of mines where such applicant has been employed, if at all, for at least two years prior to the application; all applicants shall sign such application and be sworn to the same by some member of the miners' examining board, or other authorized person.

Sec. 5. Each applicant for a certificate or permit shall pay said miners' examining board at the time of application a fee of one (\$1) dollar. All money received by said board shall be paid over to the county treasurer at least once a month. The said board shall annually on the first Wednesday of January of each year report to the board of county commissioners appointing them the names of all persons applying for certificates and permits, the amount of money received and disbursed, the names of all persons granted certificates and permits and the names of all persons refused certificates and permits. In every case where an applicant is refused a permit or certificate it shall be the duty of said examining board to keep a complete record of the questions asked and answers given and the secretary of said board shall furnish a copy of same to any applicant desiring an appeal to any court of competent jurisdiction free of charge.

Sec. 6. It shall be the duty of said board to meet on the first Wednesday of each month, but when the said day falls on a legal holiday then the day following, and said meeting shall be public, and when necessary the meeting shall be continued from day to day for not to exceed three days, if business requires: *Provided*, That for the first and second sessions the respective boards may continue in session for a period not to exceed ten days, if business requires. The examination of all applicants shall be public and in the English language: *Provided, however*, That in the event of a non-English speaking applicant so desiring, an interpreter shall be employed, which interpreter shall first be sworn to correctly and truly interpret all questions and answers in the performance of his duty. The members of the board shall have power and authority to administer oaths and all applicants for certificates and permits shall be first sworn and orally examined in regard to their qualifications. All applicants for qualification certificates may be required to furnish satisfactory evidence of their experience in mining and shall possess sufficient knowledge to be able to understand warnings in regard to dangerous gases

Register.

Fee.

Reports.

Examina-  
tions.

Applicants.

and explosives. In no event shall an applicant be deemed competent and qualified unless he appears in person before said board and answers intelligently at least fifteen questions propounded to him pertaining to practical mining, which questions shall cover dangerous gases and other combustibles and explosives and the preparation of shots and timbering, but in no event shall technical questions be included in the examination: *Provided, further*, That when an applicant possesses a miner's qualification certificate of some other State where a miner's qualification law may be in effect, he shall be entitled to a qualification certificate in this State without the formality of an examination. Said board shall keep accurate records in permanent form of all proceedings of all sessions held by them containing the names and addresses of all applicants for permits and certificates and the action taken thereon, which records shall be open for inspection at all times by persons interested. All sessions shall be held in public but the boards shall, when requested by three miners, or may on their own motion, separate the applicants and exclude those not examined from the room where the examination is being held. It shall be unlawful for any person to disclose to any applicant before his examination the questions to be asked or the answers thereto: *Provided*, That in counties in this State where according to the last report of the State mine inspector there are less than one hundred and fifty coal miners employed the miners' examining board of such counties shall hold meetings only on the first Wednesdays of January, April, July and October of each year. The miners' examining board in any county shall employ an interpreter at any meeting where a majority deem it necessary, which interpreter shall first be sworn to correctly and truly interpret all questions and answers in the performance of his duty and for any false interpretation of fraudulent acts or violations of any provision of this act shall be subject to the punishment prescribed in section 12 of this act.

Records to  
be open.

Certificates.

SEC. 7. All applicants who shall answer fifteen questions correctly and shall be otherwise qualified and adjudged competent under this act shall be granted a certificate, which certificate shall not be transferable. No certificate shall be issued unless signed by at least two members of the board. No permit shall be transferable nor issued to any miner under the age prescribed by law.

Appeals.

SEC. 8. Any applicant being refused a certificate or permit by any miners' examining board and feeling himself aggrieved may appeal to the circuit or superior court located in the county where such board is located and such court shall have power to issue such orders therein as may be lawful and just, but no costs shall be assessed or adjudged against any member of a miners' examining board upon such review of their action. The prosecuting attorney, State mine inspector or any member of any miners' examining board having information that any person has obtained a certificate or permit by means of fraud, misrepresentation or by other unlawful means, or has permitted or is permitting any other person to use his certificate or permit, or that any person is using the certificate or permit which was issued to another person shall file information before the judge of the circuit or superior court located in the county where such person is resident or employed and cause summons to be issued as in civil cases: *Provided, however*, If such officers fail or refuse to file such information, then any private citizen may file such information on the relation of the State of Indiana. If the court or jury shall after a trial or hearing in such cause, find that such certificate or permit has been unlawfully or wrongfully issued, or that such person has used the certificate or permit of another or permitted another to use his certificate or permit, then the judgment shall be that such certificate or permit be revoked and that costs be adjudged as in other civil cases: *Provided further*, That any person who obtains a certificate or permit by means of fraud, misrepresentation or by other unlawful means, or has permitted

Fraud, etc.

or is permitting any other person to use his certificate or permit, or any person who uses or permits to be used a certificate or permit issued to another shall also be subject to the penalties provided in section 12 of this act.

Sec. 9. No person shall hereafter be engaged as a miner in any coal mine in this State in which ten (10) or more miners are employed without first obtaining a permit or certificate as required by this act. No person, firm, or corporation shall employ any person as a miner who does not hold a certificate or a permit, as aforesaid, and no mine foreman or superintendent or other person shall permit or suffer any person to be employed under him in any mine under his charge or under his supervision, as a miner, who does not hold such certificate or permit. Miners to have certificates.

Sec. 10. No certificate of competency or qualification shall be granted to any applicant who has not had two years' experience in mine work: *Provided*, That persons applying for certificates before the first day of July, 1911, may be granted certificates without examination, provided they shall establish by satisfactory evidence of at least three resident householders that they have been continuously engaged in practical mining two years or more prior to the time this act becomes effective. Experience.

Sec. 11. It shall be the duty of the State mine inspector and all his deputies and all miners' examining boards and prosecuting attorneys to investigate all complaints of the violation of this law and to prosecute all such violations. Enforcement.

Sec. 12. Any person, firm, or corporation violating any provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred (\$100) dollars and not more than five hundred (\$500) dollars, to which may be added imprisonment not to exceed six months in the county jail or workhouse. Any member of any miners' examining board, in addition to said penalties shall forfeit his office upon being convicted of violating any provision of this act. Violations.

Approved March 6, 1911.

IOWA.

ACTS OF 1911.

CHAPTER 38.—*Street railways—Safety appliances.*

SECTION 1. Every person, partnership, company or corporation owning or operating a street railway in this State shall equip all of its double truck passenger cars with power brakes other than hand, capable of bringing such cars to a stop within a reasonable distance, together with equipment for sanding the rails, which brake and sand equipment shall be so constructed as to be operated by the motorman on the car operated by him: *Provided, however*, That no street railway shall be required to equip more than one-half of such cars now in operation and not so equipped before January 1, 1912, and all of such cars shall be equipped before January 1, 1913. Brakes.  
Sanding equipment.

SEC. 3. All single truck passenger cars over thirty-two (32) feet in length hereafter installed in service upon street railways shall be equipped and operated with the appliances provided for double truck cars in section one (1) of this act. Single truck cars.

Approved April 15, A. D. 1911.

CHAPTER 93.—*Railroads—Caboose cars.*

SECTION 1. The provisions of this act shall apply to any corporation or to any person or persons while engaged as common carriers in the transportation by railroads of passengers or property within this State except interurban to which the regulative power of this State extends. Scope of law.

Construction  
and equipment  
of cabooses.

SEC. 2. From and after the 1st day of January, 1912, it shall be unlawful, except as otherwise provided in this act, for any such common carrier by railroad to use on its lines any caboose car or other car used for like purposes, unless such caboose or other car shall be at least twenty-four feet in length, exclusive of the platform and equipped with two four-wheel trucks, and shall be provided with a door in each end thereof and an outside platform across each end of said car: each platform shall not be less than eighteen inches in width and shall be equipped with proper guard-rails, and with grab irons and hand brakes, and steps for the safety of persons getting on and off said car, said steps shall be equipped with a suitable rod, board, or other guard at each end and at the back thereof, properly designed to prevent slipping from said step. Said caboose shall be provided with cupola, and necessary closets and windows. And be it further enacted that each caboose car be equipped with an emergency air valve, and air gage which shall be placed on inside of said car: *Provided*, That the provisions hereof shall not apply to work trains, transfer service or emergencies not exceeding thirty-six hours.

Repaired  
cars.

SEC. 3. Whenever any such caboose cars or other cars now in use by such common carriers as provided by section 1 herein, shall, after this act goes into effect, be brought into any shop for general repairs, it shall be unlawful to again put the same into service of such common carriers within this State, unless it be equipped as provided in section 2 of this act.

Extension of  
time.

SEC. 4. The State railroad commission is hereby authorized to give to any common carrier aforesaid, upon full hearing, and for good cause shown, a reasonable extension of time in which to comply with the provisions of this act: *Provided*, That in no case shall such extension in the aggregate exceed a period of one year from the time herein limited for compliance with this act.

Violations.

SEC. 5. Any common carrier as provided in section 1 of this act 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 nor more than five hundred dollars for each offense.

Approved April 15, A. D. 1911.

#### CHAPTER 106.—*Mine regulations.*

SECTION 1. Section twenty-four hundred seventy-eight (2478), of the Code, is hereby amended to read as follows:

Inspectors to  
be appointed.

The governor shall appoint three (3), mine inspectors from those receiving certificates of competency from the board of examiners as by law provided, who shall hold their office for a term of three (3) years and until their successor shall be appointed and qualified, subject to removal by him for cause, their term to commence on the fourth day of July, 1911, and at three (3), year periods thereafter, the present incumbents shall continue in office until their successors are appointed and qualified. Any vacancies occurring shall be filled in the same manner as original appointments and the appointee to hold for the unexpired term only. Each inspector shall in no way be financially interested in or connected with any mining property, or directly or indirectly act as the agent, officer or representative of any person, firm or corporation, and shall devote his entire time and attention to the duties incumbent upon him as inspector of mines in the State of Iowa, and shall before entering upon the discharge of his duties, give a bond in the sum of two thousand (\$2,000) dollars and take an oath to be endorsed upon his bond, with sureties to be approved by the secretary of state, conditioned in accordance with the tenor of the oath. The bond shall be conditioned to faithfully and impartially without fear or favor perform the duties incumbent upon him, which shall be filed with the oath and commission and recorded in the office of the secretary of state.

Bond.

Sec. 2. Section twenty-four hundred eighty-four (2484) of the Code is hereby repealed and the following enacted in lieu thereof:

Charges of gross neglect of duty or malfeasance in office against any inspector may be made in writing, sworn to and filed with the governor, and must be made by five miners, or one or more mine operators; they shall be accompanied with a bond in the sum of five hundred dollars, running to the State, executed by two or more freeholders, approved and accepted by the clerk of the district court of the county of their residence, conditioned for the payment of all costs and expenses arising from the investigation of the charges, and thereupon the governor shall convene the board of examiners at such time and place as he may designate, giving the inspector and the person whose name first appears in the charge ten days notice thereof. The board, at the time and place fixed, shall proceed to hear, try and determine the matter, and for this purpose shall summon any material witness desired, by either party, and may administer the proper oath to all witnesses. Evidence may also be taken by deposition as in other cases, and continuances of the hearing may be granted in the furtherance of justice and upon the application of either party. After the evidence has been fully heard, the board shall report to the governor the results of its investigation, and if the charges are sustained the inspector shall be forthwith removed by the governor, and in that event the costs and expenses of the hearing shall be awarded against the inspector or the bondsmen as the case may be, with the right, however, upon the part of the aggrieved party to appeal from such findings and order to the district court of any county in the inspector's district against whom charges were made, by giving notice in writing to the board, or any member thereof, served in the same manner as original notices are served, within ten days from the time of filing the findings with the governor, or if the order of removal is made within ten days therefrom. Upon such appeal all matters shall be heard bearing upon the charges made, and the pleadings may be amended within the discretion of the court in the furtherance of justice. The appeal shall be tried as an equitable action and such order made as the evidence supports and justice demands: *Provided*, That nothing herein contained shall be construed to prevent the governor from proceeding under the law provided for the suspension or removal of State officers for malfeasance or non-feasance in office.

Sec. 3. The board of inspectors shall prepare a standard form of reports which shall be uniform for and throughout the State and which shall be used in all cases where reports are required to be made to the district mine inspectors or the board of inspectors, as the case may be.

Sec. 4 Section twenty-four hundred eighty-five (2485), of the Code, is hereby repealed and the following enacted in lieu thereof:

The owner, operator, lessee or person in charge of any mine shall make or cause to be made an accurate map or plan of such mine drawn to a scale not more than two hundred (200) feet to the inch, on which shall appear the name of the State, county and township in which the mine is located, the designation of the mine, the name of the company or owner, operator, lessee or person in charge, the certificate of the mining engineer or surveyor as to the accuracy and date of the survey, the north point and the scale to which the drawing is made. Every such map or plan shall correctly show the surface boundary lines of the coal rights pertaining to each mine and all sections or quarter section lines or corners within the same; the lines of town lots and streets; the tracks and side tracks of all railroads, the location of all wagon roads, rivers, streams, ponds, reservations made of coal and mineral. For the underground workings said maps shall show all shafts, slopes, tunnels or other openings to the surface or to the workings of a contiguous mine; all excavations, entries, rooms and crosscuts; the location of the escape ways, and of the fan or furnace or other means of ventilation and the

Charges of neglect, etc.

Appeal to court.

Forms for reports.

Maps.

direction of air currents and the location of permanent pumps, hauling engines, engine planes, abandoned works, fire walls and standing water. A separate and similar map drawn to the same scale in all cases shall be made of each and every seam of coal operated in any mine in this State. A separate map shall also be made of the surface whenever the surface buildings, lines or objects are so numerous as to obscure the details of the mine workings if drawn upon the same sheet with them, and in such case the surface map shall be drawn upon transparent cloth or paper so that it can be laid upon the map of the underground workings and thus truly indicate the local relation of lines and objects on the surface to the excavations of the mine, together with any other principal workings of the mine. Each map shall also show by profile drawing and measurement, the last one hundred fifty (150) feet approaching the boundary lines, showing the rise and dip of the seam. The original or true copies of all such maps shall be kept at the office of the mine and true copies thereof shall also be furnished the State mine inspector for the district in which said mine is located within thirty (30) days after the completion of the same. The maps so delivered to the inspector shall be the property of the State and shall remain in the custody of the said inspector during his term of office, and be delivered to his successor in office. They shall be kept at the office of the inspector and be open to examination of all persons interested in the same, but such examination shall only be made in the presence of the inspector or his office assistant, and he shall not permit any copies of the same to be made without the written consent of the operator or the owner of the property, except as herein and otherwise provided. An accurate extension of the last preceding survey of every mine in active operation shall be made once in every twelve (12) months prior to July 1st of every year and the result of such survey with the date thereof, shall be promptly and accurately entered upon the original map and a true, correct and accurate copy of said extended map shall be forwarded to the inspector of mines in the district in which said mine is located so as to show all changes in plan of new work in the mine, and all extensions of the old workings to the most advanced face or boundary of said workings which have been made since the last preceding survey, and the parts of the mine abandoned or worked out after the last preceding survey shall be clearly indicated and shown by colorings, which copy must be delivered to the inspector of mines within thirty (30) day after the last survey is made. When

**Extensions of maps.**

**Abandoned mines.**

any coal mine is worked out or is about to be abandoned or indefinitely closed, the owner, operator, lessee or person in charge of the same shall make or cause to be made a completed and extended map of said mine and the result of the same shall be duly extended on all maps of the mine and copies thereof so as to show all excavations and the most advanced workings of the mine, and their exact relation to the boundary or section lines on the surface, and deliver to the inspector a copy of the completed map. The State inspector of mines shall order a survey to be made of the workings of any mine and the result to be extended on the maps of the same and the copies thereof whenever in his judgment the safety of the workmen, the support of the surface, the conservation of the property or the safety of an adjoining mine requires it; and if not made by the owner, operator, lessee or person in charge when ordered by the inspector it shall be made or caused to be made by the inspector and paid for by the State and the amount collected from the owner, operator, lessee or person in charge as other debts are collected.

**Failure to furnish map.**

SEC. 5. Whenever the owner, operator, lessee or person in charge of any mine neglects and refuses for a period of three (3) months to furnish to said inspector the map or plan of such mine or a copy thereof or of the extension thereof as provided for by this act, such owner, operator, lessee or person shall be deemed guilty of a misdemeanor, and upon conviction thereof

shall be fined one hundred (\$100) dollars and shall stand committed to the county jail until such fine is paid, and in addition thereto the inspector shall make or cause to be made an accurate map or plan of such mine or extension as the case may be, at the expense of the owner, operator, lessee or person in charge thereof; the cost to be paid by the State and recovered by law from the said owner, operator, lessee or person in charge in the same manner as other debts by suit; and it shall be the duty of the county attorney of the county in which such mine is located, at the request of the inspector, to bring such action in the name and for the benefit of the State.

Sec. 6. Upon affidavit of an adjoining landowner in the vicinity of said mine, or his agents, filed with the inspector of the district stating that it is necessary for the protection of his property to know how near his land the excavations in the mine extend, the inspector shall make an examination or employ a surveyor therefor if necessary, to determine the length and direction of entries and other works toward the land of the applicant and the extent of excavation of same on all of his land, if any, and make report to the inspector to whom the application may have been made; the inspector may in such case permit examination of such map or copies thereof as may be in the possession of the inspector for the purpose of and to aid and assist in determining the location of the workings as herein contemplated. The necessary expenses incurred and compensation of five (\$5) dollars per day to the inspector in favor of the State and ten (\$10) dollars per day to the surveyor shall be paid by the applicant except when it shall be shown that said applicants' property has been undermined, in which case the expense shall be paid by the mine owner, operator, lessee or person in charge; and in any case where any owner, operator, lessee or person operating a mine, who without permission takes coal from adjoining land he shall be liable for double damages therefor and for all expense caused thereby. If it be found necessary to survey the premises to discover the facts as contemplated by this act the owner or person filing the affidavit shall first give a bond or other security to the inspector in favor of the State in the sum of one hundred (\$100) dollars conditioned to pay all costs and expenses incurred thereby.

Sec. 7. Section twenty-four hundred eighty-six (2486) of the Code is hereby amended to read as follows:

The owner, operator, lessee or person in charge of any mine hereafter constructed and operated by shaft, or one having a slope or drift opening in which five or more persons are employed, shall construct and maintain at least two distinct openings for each seam of coal worked, which in mines operated by shaft shall be separated by natural strata of not less than three hundred (300) feet in breadth, and in mines operated by slope or drift not less than two hundred (200) feet in breadth, through which ingress and egress at all times shall be unobstructed to the employees and persons having occasion to use the same as escape ways or place of exit from the mine.

Sec. 8. All escape shafts hereafter constructed not provided with hoisting appliances as hereinafter provided shall have stairs at an angle of not more than sixty (60) degrees in ascent; nor less than two and one-half (2½) feet in width with proper, safe and substantial landings at convenient and easy distances, and equipped with good and substantial handrails or banisters. If a shaft be used for an escape shaft and air shaft, that part of the shaft used as an escape way shall be divided and partitioned closely with good and substantial material from the part used as an air shaft, all of which shall be kept in safe condition as by this act provided.

Sec. 9. All escape shafts not provided with stairs shall be provided with suitable appliances for hoisting underground workmen at all times ready for use both day and night, while the workmen are at labor, which hoisting apparatus shall be separate and

Surveys for adjacent owners.

Escape shafts.

Stairways required, when.

Hoisting apparatus required, when.

apart from the hoisting shaft, and the equipment shall include a depth indicator, brake on the drum, steel or iron cage, safety catches on cages, and covers on cages to securely protect any person while on the cage.

Ways through adjacent mines.

SEC. 10. Where two or more mines are connected underground the several owners by joint agreement may use the hoisting shaft, slope or drift of the one as an escape for the other, and the road or traveling ways to the boundary on either side shall be kept clear of every obstruction to travel by the respective operators and the intervening doors, if any, shall remain unlocked and ready at all times for immediate use, and when such communication has once been established between contiguous mines it shall be unlawful for the owner, operator, or person in charge of either mine to close the same without the consent both of the contiguous operators and of the State inspector of mines of the district, provided, that when either operator desires to abandon mining operations, the expense and duty of maintaining such communication shall devolve upon the party continuing operation.

Location, etc., of shafts.

SEC. 11. No escape shaft or other place of exit or any air shaft or opening for ventilation not including hoisting shafts shall be located or constructed without first giving notice to the State mine inspector and obtain his approval thereof in writing, who shall retain a copy and file in his office and preserve with other records of that mine. The State mine inspector of the district in which any mine is located shall have the right at any time to order any additional air and escape way, shaft or openings therefor or other place of exit as may be deemed necessary for the purpose of furnishing additional ventilation or reasonably necessary means of escape and such additional air and escape ways shall only be used in cases of emergency; but if the owner, operator, lessee or person in charge of the mine feels aggrieved with the order as made by the mine inspector of the district in which the mine is located he shall have the right to appeal from the decision or the order of the mine inspector in such case to the district court, where the action shall be tried as an equitable action, and shall have precedence over any and all other cases, and the first term of such court held after the taking of such appeal shall be the appearance term: *Provided, however,* That in any case the State mine inspector may elect by giving four days' notice to the party taking the appeal, to bring said cause on for hearing before any judge of the judicial district in which such mine is located, who shall make such order as the case demands: *Provided, however,* That from and after the fourth day of July, 1911, it shall be unlawful to construct a furnace shaft in connection with an escape shaft or other means of exit for the employees of mine, and all furnace shafts hereafter constructed shall be separate and apart from the escape way or means of exit.

Ways to be clear.

SEC. 12. The escape way shall be ventilated and be kept free from vitiated air, accumulation of ice and obstructions of every kind; nor shall steam or heated air be discharged therein during the daytime unless an attendant be kept in charge thereof and the equipments so arranged that the steam or warm air may be readily turned off at any time when required and a conspicuous signboard placed in plain view indicating the point where the steam or warm air may be turned off as by this act contemplated; and all surface or other water which flows therein shall be conducted by rings or otherwise to receptacles for the same so as to keep the stairway reasonably free from falling water.

Traveling ways.

SEC. 13. In any mine affected by this act and every seam of coal or other mineral worked therein, there shall be constructed, kept and maintained safe and accessible traveling ways to and from any and all escape ways or place of exit, which shall be maintained free from falls of roof, standing water or other obstructions and made at least five (5) feet high and seven (7) feet wide. At all points where the passage or traveling ways to the escapement shaft or place of exit intersect, other roadways or entries, conspicuous signboards shall be placed thereat indicating

the way to such place of exit. All traveling ways shall be inspected by the mine foreman or his assistant at least once each week, and written report of its condition made and filed in the office at the mine which shall be open for examination to all the employees of the mine and such other persons entitled thereto at all reasonable times: *Provided, however,* That in any case, when in the judgment of the mine inspector of the district where the mine is located it is deemed impracticable by reason of the conditions or strata, to make the traveling way herein referred to five (5) feet in height, then and in that case the traveling way may be made and maintained less than five (5) feet in height and seven (7) feet in width, but in no case shall the traveling way be less than three (3) feet in height or six (6) feet in width. But if any dispute or difference should arise as to the findings or orders of the mine inspector, in the premises, between such inspector and employer operating the mine, or between such inspector and at least five operatives working in the mine, then and in that case the inspector shall furnish, on demand, to the aggrieved party or parties a copy of the findings or orders complained of and he shall also file the originals thereof in the office of the board of State mine inspectors and the aggrieved party or parties may have the right to appeal from said findings and orders to the district court of any county in which said mine is located on the same terms and conditions, so far as applicable, as those provided for the trial and appeal under section 2 hereof. When appeal is taken as herein provided the case shall be docketed and precedence given over all other cases excepting criminal cases where the party is in jail, and the inspector may bring the case on for hearing before any judge of the judicial district where the mine is located by giving five days notice in writing to the opposite party and if the evidence fails to show that the order was not a reasonable one as made by the inspector the findings and order of the inspector shall stand as made by him.

Sec. 14. It shall be unlawful to erect, keep or maintain any inflammable structure or buildings or other material in the space intervening between the main or hoisting shafts, slopes or drifts, and the escapement shaft or other place of exit or any powder magazine in such location or manner as to jeopardize the free and safe exit of the employees from the mine by said escapement shaft or other place of exit in case of fire or other casualty to the main shaft, slope or drift buildings. Buildings in mines.

Sec. 15. All boiler and engine rooms erected or constructed on the surface at any mine from and after July 4th, 1911, shall be constructed of fireproof material and in no case shall the boiler room be placed within sixty (60) feet of the hoisting shaft, slope or drift. Boiler and engine rooms.

Sec. 16. In all cases, after twilight, or when by reason of steam or other causes obscuring the plain view of the top and openings of any shaft, there shall be maintained a good and substantial light, but in no case shall an open light or torch be used. Lights.

Sec. 17. At the bottom of each hoisting shaft there shall be constructed a safe and convenient traveling way around the shaft for employees and animals, and it shall be unlawful for any person to pass across the shaft bottom in any other manner than by the traveling way herein contemplated; except such employees as may be necessary to perform the work at the bottom of the shaft or those engaged in making repairs. Way around bottom of shaft.

Sec. 18. On all single track haulage roads wherever hauling is done by machinery or other mechanical device, and on all gravity or inclined planes in mines where it is impractical to construct a separate traveling way and which persons employed in the mines must use while performing their work or travel on foot to and from their work, places of refuge must be cut in the side wall not less than three (3) feet in depth and four (4) feet wide and five (5) feet high, and not more than twenty yards apart unless there be a clear space of not less than two and one-half feet between the car when on the track and the rib or side Places of refuge.

of the entry of the haulage way; but in no case shall such haulage way be used as a traveling way unless it shall first be determined by the inspector that it is impracticable to construct, keep or maintain a separate traveling way, and in all such cases, unless otherwise determined by the inspector to be impracticable, there shall be kept and maintained a separate traveling way for the employees which shall at all times be maintained in good and safe condition and free from falls of roof and other obstructions. On every such haulage road which is more than one hundred (100) feet in length a code of signals shall be established between the hauling engineer and all points on the road, except where hauling is done by motor; and a conspicuous light shall be carried on the front of every trip or train of trip cars moved by machinery.

**Entries.**

Sec. 19. All entries hereafter constructed in which the hauling is done by draft animal and wherein the employees perform their work or use as a means of ingress and egress to and from their working places, shall be maintained substantially eight (8) feet in width from one rib or side of the entry or haulage way to the opposite side, which shall be kept free from timbers or other refuse and as reasonably even on the surface of each side of the track as may be reasonably practicable: *Provided, however,* That this section of the act shall not apply to such haulage ways in long-wall work when the inspector of the district where the mine is located shall determine that it is impracticable to maintain the width of the entry or haulage way as herein provided.

Sec. 20. Section twenty-four hundred eighty-seven (2487) of the Code, is hereby repealed and the following enacted in lieu thereof:

**Limit for construction of shaft.**

In all mines there shall be allowed one year to make escape shafts or other means of exit as provided by law, but not more than twenty persons shall be employed in such mine at any one time until the provisions of the law relating to escape shafts or other means of exit shall have been complied with and after the expiration of the period above mentioned it shall not be operated until made to conform to the provisions of law with reference to the escape shafts or other means or exit.

SEC. 21. The law as it appears in section twenty-four hundred eighty-eight (2488) of the Supplement to the Code 1907, is hereby repealed and the following enacted in lieu thereof:

**Ventilation.**

The owner, operator, lessee or person in charge of any mine, whether operated by shaft, slope or drift shall provide and maintain an amount of ventilation of not less than one hundred cubic feet of air per minute for each person employed in the mine, nor less than five hundred cubic feet of air per minute for each mule, horse or other animal used therein, which shall be so circulated throughout the mine so as to dilute, render harmless and expel all noxious and poisonous gases in all working parts of the same; but in no case shall the air current be a greater distance than sixty feet from the working face except when making crosscuts in entries for an air course, then in that case the distance shall not be greater than seventy feet: *Provided, however,* That in a special case requiring it, the State mine inspector may, in writing, grant permission to go beyond the limit herein mentioned. When the air current is carried to the working face of the room in double-room mining, such air current shall be treated as that contemplated in this act. The measurements of the air currents as herein contemplated shall be taken at the bottom of the intake and near the mouth of each split thereof, and also near the working face of the entries; and the person in charge of the mine shall be furnished with an anemometer by the owner or lessee of the mine, who shall take the measurements of the air as herein contemplated at least once each week and make a record thereof showing the time and place and when and where measurements were taken, copy thereof shall be retained at the office of the mine where operated, and report sent each month to the State mine inspector of the district in which said mine is operated.

SEC. 22. In every mine the air current shall be split and so conducted that not more than eighty employees at any time shall be employed on or in each split except in case of emergency: *Provided*, That the inspector of the district where the mine is located may in writing grant permission for a greater number not to exceed fifty when the required number of cubic feet of air per minute is properly circulated therein.

Currents to be split.

SEC. 23. Artificial means of exhaust steam, fans, furnaces or other contrivances of sufficient capacity shall be kept in operation to supply the air current, but if a furnace is used it shall be so constructed by lining the upcast for a distance for not less than fifty feet or for such greater distance as special cases may be required and determined by the State mine inspector, with indestructible material so that fire can not be communicated to any part of the works.

Appliances.

SEC. 24. On all haulage ways where doors are maintained to direct the air current, it shall be the duty of the driver or other employees, passing through the same, to see that the same are properly closed.

Doors to be closed.

SEC. 25. All breaks through in entries except the last one shall be securely closed and all stoppings in breaks through except the one next to the last in the entries shall be made with some substantial material so as to securely and completely close the same, and thereby prevent the air from passing through or in any part thereof, which shall be subject to the State mine inspector's approval, who is hereby authorized and empowered to require any change to be made in the material or construction for the purpose of and to reasonably comply with the provisions of law and for the purposes intended. The stoppings in the next to the last break through in entries may be constructed temporarily of some suitable material until one additional break through has been made when the temporary stoppings shall be replaced with material as by this act contemplated.

Break throughs.

SEC. 26. All breaks through in the rooms, except the last one shall be closed and securely fastened so as to prevent the air from passing through the same, which stoppings shall be of suitable material and subject to the approval of the State mine inspector of the district in which the mine is operated. The mouth or openings of all abandoned rooms shall be securely closed in the manner as provided for permanent stoppings in entries and all abandoned works shall be closed in like manner. All breaks through in entries must be of an area of not less than twenty-five (25) feet and in rooms not less than twenty (20) feet for the purpose of and to accommodate the air current as herein contemplated.

Same.

SEC. 27. When the State mine inspector finds the air insufficient or the employees working in unsafe or under improper health conditions, he shall at once give notice to the mine owner or his agent or person in charge, and upon failure to make the necessary changes within such reasonable time as said mine inspector may fix, he shall then and there order the employees, except such as may be necessary to correct the defect and make the repairs, to cease work and remain out of the mine until the defects are corrected and the mine put in proper condition, and any person, employer or employee failing to comply with the order of the State mine inspector relating thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five (\$5) dollars and not more than one hundred (\$100) dollars.

Notice of improper conditions.

SEC. 28. Section twenty-four hundred eighty-nine (2489) of the Code is hereby repealed and the following enacted in lieu thereof:

The owner, lessee, operator or person in charge of any mine shall in all mines operated by shaft, slope or drift, where the voice can not be distinctly heard, provide and maintain a metal speaking tube or other adequate means of communication and keep the same in complete order from the bottom or interior to the top or exterior, and in all cases where mechanical means

Means of communication.

are used in any shaft, slope or drift, to hoist or lower employees, the owner, lessee, operator or person in charge of such mine shall keep and maintain a suitable, sober and competent person at the top and bottom in charge of the signals during such time of lowering and raising the employees, who shall be and remain on duty for at least thirty (30) minutes before and after the usual hours for beginning and stopping the ordinary work of the mine.

**Hoists**

SEC. 29. In all shafts where the employees are raised and lowered by machinery or otherwise, there shall be provided a good and sufficient brake on the drum so adjusted that it may be operated by the engineer without leaving his post at the levers. Flanges shall be so attached or arranged to the sides of the drum of any engine used, with a clearance of not less than four inches when the whole rope is wound on the drum. The ends of the hoisting cables shall be well secured on the drum and at least two and one-half ( $2\frac{1}{2}$ ) laps of the same shall remain on the drum when the cage is at rest at the lowest caging place in the shaft. An index dial or indicator shall be so arranged to show at all times the true position of the cages in the shaft which shall be so attached to the machinery as to furnish constant information and guidance to the engineer; and all cages used in any shaft shall be equipped with good safety catches and must be suspended between good substantial guides, the cages so constructed overhead with boiler iron that falling objects can not strike persons being hoisted therein, and at all landings and openings at the top of all shafts there shall be maintained an approved safety gate constructed in such manner as to at all times close the opening or entrance to the shaft when the cage is not at rest at that point, and proper or adequate springs at the top of each slope and a trail or dog attached to each train used therein, and not more than ten persons shall be allowed to descend or ascend in any cage at one time or such less numbers as may be fixed by the State mine inspector; but no person at any time shall be allowed to ride in the shaft or any cage with a car, tools or other material or when such car, tools or material is on the opposite cage, except when absolutely necessary in the performance of work in the making of repair; and no person shall ride upon a loaded trip while in any part of the mine, except the conductor or person in charge thereof or any person in the performance of his duty.

**Speed of cages.**

SEC. 30. Cages on which employees are riding shall not be lifted or lowered at a rate of speed greater than four hundred (400) feet per minute, and no cage having any unstable or self-dumping platform or device shall be used for the carriage of employees or material other than coal or mineral unless the same is provided with some convenient device by which the cage platform can be securely locked when employees are being conveyed thereon.

**Engineers.**

SEC. 31. The owner, lessee or operator or any person in charge of any mine shall not place in charge of any engine in and around the mine any but competent and sober engineers who shall not permit any person but those designated to handle, operate, or interfere with it or any part of the machinery except such as may be necessary in making proper and needed repairs, or an apprentice and then only when the engine or machinery is not in use in hoisting or lowering employees or hoisting coal or mineral; and no person shall be permitted to talk to the engineer while in the performance of his duty in hoisting or lowering employees, coal or mineral. There shall be placed in plain view of the engineer while at his post of duty at some conspicuous point, a code of signals as by this act provided, and which shall be in like manner placed at the top and bottom of each shaft, slope or drift; and it shall be the duty of the engineer at least once each day to carefully inspect all of the machinery and apparatus under his charge and carefully note all of its parts, and if any defects appear which will endanger the life or limb of any employee in the use thereof he shall cease operating the machinery until the defects are corrected. No person but the engineer shall be allowed in

the engine-room except on business connected with the operation of the mine or to repair machinery, and in such case shall immediately retire therefrom when the work is completed or business transacted.

SEC. 32. In all mines operated by shaft, slope or drift where machinery is used in the operation of the plant, the following code of signals shall be used between the engineer and other employees for the purpose of operation:

Signals.

One ring or whistle shall signify to hoist coal or empty cage; and also to stop when the cage is in motion.

Two rings or whistles shall signify to lower cage.

Three rings or whistles shall signify that employees are coming up; when return signal or one ring or whistle is received from the engineer employees shall then be permitted to enter the cage, but not before, when one ring or whistle shall be given to start.

Four rings or whistles shall signify to hoist slowly; implies danger.

Five rings or whistles shall signify accident within the mine and a call for stretcher and supplies.

Six rings or whistles shall call for a reversal of the fan.

From top to bottom one ring or whistle shall signify all ready, get on cage.

Two rings or whistles from top to bottom shall signify send away empty cage which shall be answered from the bottom with one ring or whistle and the cage may then be moved.

*Provided*, That the owner, lessee or operator in charge of such mine may with written consent of the State mine inspector add to this code of signals in his discretion when deemed necessary for the efficiency of the mine or the safety of the employes, but any addition thereto shall be posted as by this act provided for the information of the engineer and employees.

SEC. 33. The owner, lessee, operator or person in charge of any mine shall at all times keep a sufficient supply of caps and timbers to be used as props or otherwise, convenient and ready for use and shall send such caps, timbers and props down when requested and deliver them to the places where needed.

Timbers.

SEC. 34. In all mines where coal is blasted from the solid, the owner, lessee, operator or person in charge shall furnish sand, soil or clay to be used for tamping which shall be delivered to the employee and placed at a convenient distance from the working places ready for use, and so as not to obstruct the employee in the performance of his ordinary duties as a workman; and in such work no person shall be permitted to use any substance or material other than sand, soil or clay for tamping.

Material for tamping.

SEC. 35. The owner, operator, lessee or person in charge of any mine shall not permit the accumulation of dust upon and along the roadways; and where the roadway is dry and dusty shall cause the same to be sprinkled at least once each week and as much oftener as conditions may require.

Dusty ways.

SEC. 36. The owner, lessee, operator or person in charge of any mine shall not be allowed to locate a stable, at a point in any mine where the air current supplied to the employees passes through such place and in no case shall such stable be located without first having given notice to the State mine inspector who shall determine the suitability of the place proposed for the location of the stable in any mine in this State; and if approved shall consent thereto in writing, a copy thereof shall be retained and filed in the office of the inspector of mines of the district where the mine is located. The material used in the construction of the stables herein contemplated, shall as near as reasonably practicable be incombustible and such stables shall not be used as a place for storing, or any inflammable material stored therein, except such hay as may be reasonably necessary for one day's use.

Stables.

SEC. 37. No gasoline engine except gasoline haulage motors where the exhaust is properly cared for or supplies of gasoline therefor shall be located in or near the air current which supplies the employees of any mine with air, but in all cases shall

Gasoline engines.

be placed upon the return and located at least twenty (20) feet from any and all traveling ways, but in no case shall any gasoline engine or place for supply of gasoline therefor be located without first having the approval in writing of the State mine inspector who shall determine the suitability of the location of said engine or supplies. The supply of gasoline required for the operation of said engine shall be kept at the place selected, and shall not exceed twelve gallons at any one time, except that in case of emergency such engine may be temporarily placed where needed and the inspector of the district where the mine is located immediately notified thereof, who shall at once proceed to the mine and determine as to the safety of the employees of the mine while the engine is so operated at the place required, and if in his judgment the operation thereof can be continued with reasonable safety to the employees of the mine at the place required, the owner, lessee or person in charge of the mine may continue the operation thereof while the employees of the mine are at work until the emergency therefor shall have ceased; otherwise the inspector shall order the employees, except such as are required to operate the engine and work connected therewith, to leave the mine until the same is made safe. At all hoisting shafts, air shafts, escape shafts and places of exit, boiler and engine rooms, stables in mines and places where gasoline engines are used, there shall be kept ready for use at all times at least two (2) good, hand fire extinguishers, conveniently placed for immediate use when needed.

**Fire extinguishers.**

**Telephones.**

SEC. 38. In all mines where the working parts thereof exceed three thousand (3,000) feet from the foot of the slope, shaft or the mouth of a drift as the case may be, a good and substantial telephone system or other like suitable means of communication shall be maintained from the bottom to some suitable and convenient point at all times ready for use, which shall be extended as the works of the mine progress three thousand (3,000) feet therefrom.

**Provisions for accidents.**

SEC. 39. The owner, operator, or person in charge of any mine shall at all times keep in readiness for use in case of accident and at the mine at some convenient place, one good and substantial stretcher for each fifty (50) employees engaged in the operation of the mine, and proper and sufficient blankets for each stretcher, together with a sufficient and reasonable supply of bandages.

**Reports.**

SEC. 40. The owner, lessee, operator or person in charge of any mine shall on or before the first day of August in each year send to the office of the inspector of the district where the mine is located upon blanks furnished by the State a correct return with respect to the year ending July first of each year, the quantity of coal mined and the number of persons ordinarily employed at, in and around such mine designating the number of persons below and above ground and such other information as required by such blank. In all cases, the owner, operator, lessee or person in charge of any mine in this State, upon the happening of any

**Accidents.**

accident, by which injury occurs to any of the employees above or below ground, shall immediately report the same to the State mine inspector of the district in which said mine is located, which report shall contain a detailed statement of the extent of the accident, and the manner in which it occurred, which report shall conform to the standard form of reports, as provided by the State mine inspector in such cases.

**Duties of foremen.**

SEC. 41. It shall be the duty of the mine foreman or pit boss in charge of any mine or part thereof to make careful inspection of the mine from day to day by himself or assistant and at such other times as in his judgment conditions may require. He shall give such directions and formulate such rules for the guidance of the men employed in the mine as skillful and safe operation of the mine may require. He shall see that the mines are supplied with props of proper lengths, caps and other timbers necessary to securely prop the roof of such mine, and the rooms where-

in the men are employed, and such material shall be conveniently placed for the use of the miners. He shall keep a careful watch over the ventilating apparatus and airways, together with all of the stoppings, doors and other means of directing the air current. He shall keep a record of the boys under sixteen (16) years of age employed by him during the time of school vacation, showing their ages, names and residence of parents or guardian and character of employment, which record shall be kept at the office of the mines and open for inspection at all reasonable times. He shall examine the escape shaft, manway, the traveling ways leading thereto, or cause them to be examined by his assistant once each day, and written report of the conditions shall be made and filed in the office at the mine, which shall be open for examination at all reasonable times to representatives of the employees and such other persons entitled thereto. A copy of such report shall be sent each month to the State mine inspector of the district in which said mine is operated. If he finds the condition of the escape shaft, manway or traveling ways impassable or dangerous, he shall immediately notify the employees of the mine thereof, and shall immediately upon the discovery of the defect, place such obstructions at the defective place as may be reasonably necessary to apprise the employees of the danger.

SEC. 42. The term "mine foreman," as mentioned in this act, and the law of this State, shall mean and be construed to be one in charge of the underground workings or department of the mine or any part thereof, either by day or night. Definition of foreman.

SEC. 43. In any case where the mine foreman, pit boss, engineer or other person receiving a certificate under the law pertaining to mines and mining within this State, shall have willfully disobeyed the orders of the mine inspector or have been convicted of a misdemeanor as by this act provided, his certificate shall be revoked, if the evidence warrants upon complaint being filed with the board of examiners who shall proceed to hear the case at such time and place as they may determine, which shall be as soon as practicable after the charges are filed and notice by them given to the accused. The board shall have power to subpoena the witnesses and administer oaths and a majority of the board required to determine the questions at issue: the costs incurred shall be taxed to the losing party and collected as in other cases. Certificates revoked when.

SEC. 44. It shall be the duty of each employee to examine his working place upon entering the same and shall not commence to mine or load coal or other mineral until it is made safe. Each miner or other employee employed in a mine shall securely prop and timber the roof of his working place therein and shall obey any order or orders given by the superintendent or mine foreman relating to the width of the working place and to the security of the mine in the part thereof where he is at work. Each miner or other person shall avoid waste of props, caps, timbers and other material and when he has props, caps, timbers or other materials not suitable for his purpose, he shall place the same at some convenient point near the track and where the same may be readily seen, and inform the mine foreman or other person in charge, of their being unsuitable for the purpose intended. When draw slate or other like material is over the coal he shall see to it that proper timbers are placed thereunder for his safety before working under the same, and it shall be unlawful and a violation of this act for any person working in a mine at any time to leave any of the doors open that direct the air current after he has passed through the same, but shall closely observe after passing through such doors that the same are properly closed. Duties of miners, etc.

SEC. 45. No workman or other person shall knowingly injure a water gauge, barometer, air course, brattice, equipment, machinery or live stock; obstruct or throw open any airway, handle or disturb any part of the machinery of the hoisting engine of the mine; open a door of a mine and neglect to close it; endanger Injuring appliances.

the mine or those working therein; disobey any order given in pursuance of law or do a willful act whereby the lives of persons working therein or the security of the mine or the machinery connected therewith may be endangered; and it shall be unlawful for any workmen or person to place any refuse material or any obstruction in any part of the air course or any part of the breaks through in the entries or rooms other than as by this act provided.

**Intoxicated persons.** SEC. 46. No person shall go into, at or around a mine or the buildings, tracks or machinery connected therewith while under the influence of intoxicants and no person shall use, carry or have in his possession, at in or around the mine or the buildings, tracks or machinery connected therewith, any intoxicants.

**Blasting.** SEC. 47. It shall be unlawful for any miner or other person to charge a drill hole with powder or other explosive until the shot examiner shall have first examined the same, and the shot examiner shall forbid the charging of any drill hole with powder or other explosive, if in his judgment he believes it would be unsafe to the employees to discharge the shot as herein contemplated; and in any case where the shot examiner forbids the charging of any drill hole as by this act provided, he shall immediately make a cross with chalk markings at the mouth of the hole when condemned and make an entry thereof in a book retained by him for that purpose, stating the name of the person working in such place, the number of drill holes in such place which he forbids being charged with powder or other explosives and the date thereof, which record shall be retained and kept in-tact for at least one week; and it shall be unlawful for any shot firer or any other person to discharge any shot or blast until it has first been examined; nor shall any person fire a shot or blast which has been condemned by the shot examiner as by this act provided, and in any case when the mine foreman shall have forbidden the charging of any drill hole or the firing of any shot, no person shall be permitted to charge such hole or fire such shot, and if the shot examiner forbids the charging of a hole or the firing of a shot, the mine foreman shall not cause the hole to be charged or the shot fired.

**In what mines certified foremen must be employed.** SEC. 48. The law as it appears in section twenty-four hundred eighty-nine-a (2489-a) Supplement to the Code 1907, is hereby amended by striking out the words "whose daily output is in excess of twenty-five (25) tons," as found in the fourth and fifth lines thereof, and substitute therefor the following: "employing five (5) or more persons therein"

SEC. 49. Section twenty-four hundred ninety-three (2493), of the Code, is hereby repealed and the following enacted in lieu thereof:

**Oil.** Only pure animal or vegetable oil or other means for illuminating purposes equally as safe and free from smoke or offensive odor shall be used in any mine in this State; and for the purpose of determining the purity of oils the State board of health shall fix a standard of purity of the said oils and establish regulations for testing the same, and when so determined and established shall be recognized by all of the courts of this State. And in any case where any material, substance or other means of illumination is used for illuminating purposes as by this act contemplated any refuse part thereof remains after use which gives off any gas or offensive odor shall by the person using it be removed from the mine at the end of his day's work.

SEC. 50. That the law as it appears in section twenty-four hundred ninety-four (2494) Supplement to the Code 1907, is hereby repealed and the following enacted in lieu thereof:

**Impure oil.** Any person, firm or corporation either by themselves, agents, or employees selling or offering to sell for illuminating purposes in any mine in this State any adulterated or impure oil, or oil not recognized by the State board of health as suitable for illuminating purposes or other substance to be used for illuminating purposes not equally as safe and free from smoke or offensive

odor as oils contemplated by this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five (\$25) dollars or more than one hundred (\$100) dollars for each offense; and any mine owner, lessee, operator or employee thereof who shall knowingly use, or any mine owner, lessee, or operator who shall knowingly permit to be used, for illuminating purposes in any mine in this State, any impure or adulterated oil or any oil or other means of illuminating, the use of which is forbidden by this act, shall, upon conviction thereof be fined not less than five (\$5) dollars or more than twenty-five (\$25) dollars.

SEC. 51. In all cases arising when not covered by statute it is found necessary that some change, improvement or device is required to reasonably protect the life, health or limb of the employees of any mine or works connected therewith, and the owner, lessee, operator or person in charge fails or refuses to make the change or the improvement or supply the device needed within a reasonable time after written notice thereof, having been given by the inspector of the district within the district where the mine is located, the inspector shall file a verified petition with the clerk of the district court of the county where the mine is located setting out the facts and thereupon give five days' notice to the accused in the same manner as original notices are given and served, stating the time and place and the name of the judge before whom the case will be tried, who shall hear the evidence offered by either party, and when and where the defaulting party shall be required to appear at the time and place mentioned in the notice which may be at any place convenient for the judge in the judicial district. The proceedings shall be entitled the State of Iowa as plaintiff, and the owner, operator or person in charge as defendant, who shall plead on or before noon of the fourth day after notice. At the time and place fixed in the notice the case shall be heard and tried by the judge as in equity, who shall make such order as the evidence supports. The burden of proof shall rest upon the plaintiff to show that the order of the inspector was a reasonable one or the proposed change, improvement or device reasonably required for the purpose intended; and if the evidence in the whole case fails to prove that the order as made by the inspector was a reasonable one or the proposed change, improvement or device necessary for the purposes intended, the judge shall forthwith issue a mandatory order for compliance therewith, and enter the same of record in the district court of the county in which the hearing is had or the mine in controversy located. If the defendant has failed to comply with the order made by the judge, such defendant may be charged with contempt of court and upon conviction thereof be fined not to exceed five hundred dollars (\$500) and committed to the county jail until such fine is paid. The clerk of the district court where such petition has been filed shall issue subpoenas at the request of either party, and witnesses shall be required to respond thereto as in other cases, and it shall be a part of the county attorney's official duty to represent the plaintiff in all matters pertaining to the proceedings. Pending such proceeding, the judge may, if in his judgment it is deemed advisable for the safety of the employees, order the mine closed until such changes are made as have been directed by him.

Failure to obey orders of inspector.

SEC. 52. In all cases the penalties as provided by the law in sections twenty-four hundred ninety-one (2491) and twenty-four hundred ninety-two (2492) of the Code, shall apply to this act except when otherwise herein provided.

Penalties.

Approved May 6, A. D. 1911.

#### CHAPTER 171.—*Factory regulations—Toilets and wash rooms.*

[This chapter amends section 4999a1 of the Code (Supp. 1907), by providing that water-closets and privies in factories and workshops shall be free from all obscene writing or marking, and shall be supplied in the proportion of at least one to every twenty employees; also by adding the following:]

**Toilet rooms.** In factories, mercantile establishments, mills and workshops, adequate washing facilities shall be provided for all employees; and when the labor performed by the employee is of such character as to require or make necessary a change of clothing, wholly or in part, by the employees, there shall be provided a dressing room, or rooms, lockers for keeping clothing and suitable washing facilities separate for each sex, and no person, or persons, shall be allowed to use the facilities assigned to the opposite sex; a sufficient supply of water suitable for drinking purposes shall be provided.

Approved April 3, A. D. 1911.

**CHAPTER 172.—Factory regulations—Guards for dangerous machinery.**

[This chapter amends section 4999a5 of the Code (Supp. 1907), relating to the enforcement of the inspection law, by requiring orders of officials to be complied with in thirty days instead of ninety days as formerly; also by adding the following:]

**Removing guards.** Whenever any person, in any manufacturing or other establishment wherein machinery is used and wherein or whereon guards or safety appliances have been provided, shall remove such guards or safety appliances from any machine or other equipment or shall so adjust such guards or safety appliances as to destroy their purpose of preventing bodily injuries, excepting whenever it becomes necessary to remove some or all of the guards, including springs or pressure bars that may properly come under this act, to enable the employee operating said machine to perform certain special work that can not be performed with guard, it shall be the duty of said employee or employer to immediately replace them after said work has been completed. Any person, who may neglect or refuse to comply with the provisions of this act, shall be punished by a fine of not less than five, (\$5), dollars, or more than one hundred, (\$100), dollars, or by imprisonment in the county jail not to exceed thirty, (30), days.

**Penalty.**

Approved April 15, A. D. 1911.

**CHAPTER 205.—Employers' liability commission.**

**Commission created.** SECTION 1. A commission of five (5) persons is hereby created to be known as the employer's liability commission to be constituted and appointed as hereinafter provided.

**Who to be members.** SEC. 2. The governor shall appoint within sixty (60) days after this act takes effect, five (5) persons as members of said commission who shall be citizens of Iowa, two (2) employers of labor, two (2) employees known to represent the interests of workmen and one disinterested person. The commission shall elect its own chairman and shall have the power to fill any vacancy that may occur in its membership: *Provided, however,* The vacancy shall be filled by a person of the same qualifications as the person whose vacancy he fills. The majority of the members of the commission shall constitute a quorum.

**Duties.** SEC. 3. Said commission shall investigate the problem of industrial accidents and especially the present condition of the law of liability for injuries or death suffered in the course of industrial employment as well in this State as in other States, and shall inquire into the most equitable and effectual methods of providing compensation for losses suffered and it shall as far as practicable cooperate with the commission of other States for like purposes. It shall, on or before the 15th day of September, 1912, report its conclusions with a draft of such bill or bills as may be deemed appropriate to the governor who shall at once publish said report and draft of bill or bills, who shall transmit said report to the 35th general assembly for action thereon. A copy of said report shall be mailed to each member elect of the thirty-fifth general assembly not later than November 15, 1912.

**Report.**

SEC. 4. The commission shall meet at the call of the chairman and appoint and elect a secretary. It shall cause a record to be made and kept of its proceedings. It shall have power to employ such clerks and assistants as may be necessary in addition to the secretary and shall fix their compensation, and may incur such other expenses as are properly incident to the work of the commission. The members of the commission shall be paid at the rate of five dollars (\$5) per diem while actually engaged in the work of such commission and reimbursed for their actual expenses incurred in the work of said commission.

Meetings, etc.

SEC. 5. The sum of eight thousand dollars (\$8,000) or so much thereof as may be necessary, is hereby appropriated for the expense of the commission and other expenses herein contemplated, and the auditor of state is hereby authorized to draw a warrant for the foregoing amount or any part thereof in payment of any expenses, charges or disbursements authorized by this act on order of the commission signed by its chairman, attested by its secretary and approved by the governor. The executive council is hereby authorized and empowered to provide all necessary printing for said commission.

Expenses.

SEC. 6. When the report by said commission shall have been filed with the governor as herein contemplated, their duties as such shall cease and their term of office terminate.

Commission to terminate, when.

Approved April 11, A. D. 1911.

**KANSAS.**

**ACTS OF 1911.**

**CHAPTER 187.—Employment offices.**

SECTION 1. No person, firm or corporation of this State shall open, operate and maintain an employment agency or office to furnish to employers persons seeking to be engaged in manual labor, clerical, industrial, commercial or business pursuits, and to secure employment for such described persons or where a fee, commission or other consideration is charged to or exacted or received from either applicants for employment or for help, without first obtaining a license for the same from the director of the State free employment bureau. The uniform fee for such license in cities of 20,000 inhabitants and over shall be twenty-five dollars per annum, and, in cities containing less than 20,000 inhabitants, ten dollars per annum. Every license shall contain a designation of the city, street and number of the building in which the licensed party conducts such employment agency. The license together with a copy of this act shall be posted in a conspicuous place in each and every employment agency.

License required.

SEC. 2. All licenses issued after this act takes effect shall terminate on the 31st day of December of each year, and shall be paid for at the rate established in this act: *Provided, however,* That no license for any fractional part of the year shall be issued for any sum less than one-third of the full annual rate, and that fractional months shall be counted as full months in every case.

Annual renewals.

SEC. 3. The director of the State free employment bureau shall require with each application for a license a bond in the penal sum of five hundred dollars with one or more sureties to be approved by said director, and conditioned that the obligors will not violate any of the duties, terms, conditions, provisions or requirements of this act.

Bonds.

SEC. 4. The said director is authorized to commence action or actions on said bond or bonds in the name of the State of Kansas, by filing complaint with the attorney general or other proper prosecuting officer of any violations of its conditions.

Actions.

SEC. 5. The said director is also authorized to revoke any license, whenever in his judgment, the party licensed shall have violated any of the provisions of this act: *Provided,* Written com-

Revocation of license.

plaint shall have been filed with him and he shall have given the case full and fair hearing.

**Register.** SEC. 6. It shall be the duty of every licensed agency to keep a register in which shall be entered the name and address of every person who shall make application for help or servants, and the name and nature of such employment for which such help shall be wanted. Such register shall, at all reasonable hours be kept open to the inspection and examination of the director of the State free employment bureau and his agents, deputies or assistants.

**Fees.** SEC. 7. Where a registration fee is charged for receiving or filing applications for employment or help, said fee shall in no case, exceed the sum of one dollar, unless the salary or wages shall be more than three dollars per day, in which case a fee of not more than two dollars may be charged, for which a duplicate receipt shall be given, (one copy to be kept by the employee and the other for the employer) in which shall be stated the name and address of the applicant, the date of such application, the amount of the fee, and the nature of the work to be done or the situation to be procured. In case the said applicant shall not obtain a situation or employment through such licensed agency within three days after registration as aforesaid, then said licensed agency shall forthwith repay and return to such applicant, upon demand being made therefor, the full amount of the fee paid or delivered by said applicant to such licensed agency.

**Return of fee.** SEC. 8. Any licensed agency shall not publish or cause to be published any false or fraudulent notice or advertisement, or give any false information or make any false promise concerning or relating to work or employment to any one who shall apply for employment, and no licensed agency shall make false entries in the register to be kept as herein provided.

**False statements.** SEC. 9. It shall be the duty of the director of the State free employment bureau, or his deputies, agents or assistants, when informed of any violation of this act, to file a complaint of such violation with the attorney general or with the county attorney of the county in which such violation is alleged to have occurred and it shall be the duty of the official informed to institute criminal proceedings for the enforcement of the penalties.

**Complaints.** SEC. 10. Any person convicted of a violation of any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than one hundred dollars for each offense, or be imprisoned in the county jail for a period of not exceeding six months, or both such fine and imprisonment as the court may direct.

**Violations.** SEC. 12. Free employment bureaus now organized or established, or which may hereafter be organized or established in this State by the director of the State free employment bureau or by charitable organizations shall not be subject to the provisions of this act.

**Exemptions.** Approved March 1, 1911.

#### CHAPTER 189.—*Exemptions—Earnings of deceased workmen.*

SECTION 1. Section 3484 of the General Statutes of 1909 \* \* \* [shall] be amended so as to read as follows:

**Rights of widows.** Section 49. In addition to her portion of her deceased husband's estate, the widow shall be allowed to keep absolutely, for the use of herself and children of the deceased, all personal earnings and personal property of the deceased, which were exempt to him from sale, execution, garnishment and attachment, at the time of his death.

Approved March 14, 1911.

#### CHAPTER 218.—*Compensation for injuries to workmen.*

**Compensation payable when.** SECTION 1. If in any employment to which this act applies, personal injury by accident arising out of and in the course of employment is caused to a workman, his employer shall, subject

as hereinafter mentioned, be liable to pay compensation to the workman in accordance with this act. Save as herein provided, no such employer shall be liable for any injury for which compensation is recoverable under this act: *Provided*, That (a) the employer shall not be liable under this act in respect of any injury which does not disable the workman for a period of at least two weeks from earning full wages at the work at which he is employed; (b) if it is proved that the injury to the workman results from his deliberate intention to cause such injury, or from his willful failure to use a guard or protection against accident required pursuant to any statute and provided for him, or a reasonable and proper guard and protection voluntarily furnished him by said employer, or solely from his deliberate breach of statutory regulations affecting safety of life or limb, or from his intoxication, any compensation in respect to that injury shall be disallowed.

SEC. 2. Where the injury was proximately caused by the individual negligence, either of commission or omission, of the employer, including such negligence of the directors or of any managing officer or managing agent of such employer if a corporation, or of any of the partners if such employer is a partnership, or of any member if such employer is an association, but excluding the negligence of competent employees in the performance of their duties or of the employer's duty delegated to them, the existing liability of the employer shall not be affected by this act, but in such case the injured workman, or if death results from such injury, his dependents as herein defined, if they unanimously agree, otherwise his legal representative, may elect between any right of action against the employer upon such liability and the right to compensation under this act.

When suit may be brought.

SEC. 3. Nothing in this act shall affect the liability of the employer or employee to a fine or penalty under any other statute.

Fines.

SEC. 4. (a) Where any person (in this section referred to as principal) undertakes to execute any work which is a part of his trade or business or which he has contracted to perform and contracts with any other person (in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of the work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this act which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then, in the application of this act, references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed. (b) Where the principal is liable to pay compensation under this section, he shall be entitled to indemnity from any person who would have been liable to pay compensation to the workman independently of this section, and shall have a cause of action therefor. (c) Nothing in this section shall be construed as preventing a workman from recovering compensation under this act from the contractor instead of the principal. (d) This section shall not apply to any case where the accident occurred elsewhere than on or in, or about the premises on which the principal has undertaken to execute work or which are otherwise under his control or management, or on, in, or about the execution of such work under his control or management. (e) A principal contractor, when sued by a workman of a subcontractor, shall have the right to implead the subcontractor. (f) The principal contractor who pays compensation voluntarily to a workman of a subcontractor shall have the right to recover over against the subcontractor.

Employees of contractors.

SEC. 5. Where the injury for which compensation is payable under this act was caused under circumstances creating a legal liability against some person other than the employer to pay damages in respect thereof. (a) The workman may take pro-

Injuries caused by third persons.

ceedings against that person to recover damages and against any person liable to pay compensation under this act for such compensation, but shall not be entitled to recover both damages and compensation; and (b) If the workman has recovered compensation under this act, the person by whom the compensation was paid, or any person who has been called on to indemnify him under the section of this act relating to subcontracting, shall be entitled to indemnity from the person so liable to pay damages as aforesaid, and shall be subrogated to the rights of the workman to recover damages therefor.

Employments covered.

Sec. 6. This act shall apply only to employment in the course of the employer's trade or business on, in, or about a railway, factory, mine or quarry, electric, building or engineering work, laundry, natural-gas plant and all employments wherein a process requiring the use of any dangerous explosive or inflammable materials is carried on, which is conducted for the purpose of business, trade or gain; each of which employments is hereby determined to be especially dangerous, in which from the nature, condition or means of prosecution of the work therein, extraordinary risk to the life and limb of the workman engaged therein are inherent, necessary, or substantially unavoidable, and as to each of which employments it is deemed necessary to establish a new system of compensation for injuries to workmen. This act shall not apply in any case where the accident occurred before this act takes effect, and all rights which have accrued, by reason of any such accident, at the time of the publication of this act, shall be saved the remedies now existing therefor, and the court shall have the same power as to them as if this act had not been enacted.

Interstate commerce.

Sec. 7. This act shall not be construed to apply to business or employments which, according to law, are so engaged in interstate commerce as to be not subject to the legislative power of the State, nor to persons injured while they are so engaged.

What employers exempt.

Sec. 8. It is hereby determined that the necessity for this law and the reason for its enactment, exist only with regard to employers who employ a considerable number of persons. This act, therefore, shall only apply to employers by whom fifteen or more workmen have been [employed] continuously for more than one month at the time of the accident and who have elected or shall elect before the accident to come within the provision hereof: *Provided, however,* That employers having less than fifteen workmen may elect to come within the provisions of this act, in which case his employees shall be included herein, as hereinafter provided.

Definitions.

Sec. 9. In this act, unless the context otherwise requires. (a) "Railway" includes street railways and interurbans; and "employment on railways" includes work in depots, power houses, roundhouses, machine shops, yards, and upon the right of way, and in the operation of its engines, cars and trains, and to employees of express companies while running on railroad trains. (b) "Factory" means any premises wherein power is used in manufacturing, making, altering, adapting, ornamenting, finishing, repairing or renovating any article or articles for the purpose of trade or gain or of the business carried on therein, including expressly any brickyard, meat-packing house, foundry, smelter, oil refinery, lime-burning plant, steam-heating plant, electric-lighting plant, electric-power plant and water-power plant, powder plant, blast furnace, paper mill, printing plant, flour mill, glass factory, cement plant, artificial-gas plant, machine or repair shop, salt plant, and chemical-manufacturing plant. (c) "Mine" means any opening in the earth for the purpose of extracting any minerals, and all underground workings, slopes, shafts, galleries and tunnels, and other ways, cuts and openings connected therewith, including those in the course of being opened, sunk or driven; and includes all the appurtenant structures at or about the openings of the mine, and any adjoining adjacent work place where the material from a mine is prepared for use or shipment.

(d) "Quarry" means any place, not a mine, where stone, slate, clay, sand, gravel or other solid material is dug or otherwise extracted from the earth for the purpose of trade or bargain or of the employer's trade or business. (e) "Electrical work" means any kind of work in or directly connected with the construction, installation, operation, alteration, removal or repair of wires, cables, switchboards or apparatus, used for the transmission of electrical current. (f) "Building work" means any work in the erection, construction, extension, decoration, alteration, repair or demolition of any building or structural appurtenance. (g) "Engineering work" means any work in the construction, alteration, extension, repair or demolition of a railway (as hereinbefore defined) bridge, jetty, dike, dam, reservoir, underground conduit, sewer, oil or gas well, oil tank, gas tank, water tower, or water works (including standpipes or mains) any caisson work or work in artificially compressed air, any work in dredging, pile driving, moving buildings, moving safes, or in laying, repairing or removing, underground pipes and connections, the erection, installing, repairing, or removing of boilers, furnaces, engines and power machinery, (including belting and other connections) and any work in grading or excavating where shoring is necessary or power machinery or blasting powder, dynamite or other high explosives is in use (excluding mining and quarrying). (h) "Employer" includes any person or body of persons corporate or unincorporate, and the legal representatives of a deceased employer or the receiver or trustee of a person, corporation, association or partnership. (i) "Workman" means any person who has entered into the employment of or works under contract of service or apprenticeship with an employer, but does not include a person who is employed otherwise than for the purpose of the employer's trade or business. Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependents, as hereinafter defined, or to his legal representative, or where he is a minor or incompetent, to his guardian. (j) "Dependents" means such members of the workman's family as were wholly or in part dependent upon the workman at the time of the accident. And "members of a family" for the purposes of this act means only widow or husband, as the case may be, and children; or if no widow, husband or children, then parents and grandparents, or if no parents or grandparents, then grandchildren; or if no grandchildren, then brothers and sisters. In the meaning of this section parents include step-parents, children include stepchildren, and grandchildren include stepgrandchildren, and brothers and sisters include stepbrothers and stepsisters, and children and parents include that relation by legal adoption.

SEC. 10. In case an injured workman is mentally incompetent or a minor, or where death results from the injury, in case any of his dependents as herein defined is mentally incompetent or a minor, at the time when any right, privilege or election accrues to him under this act, his guardian may, in his behalf, claim and exercise such right, privilege, or election, and no limitation of time, in this act provided for, shall run, so long as such incompetent or minor has no guardian. Incompetent persons.

SEC. 11. The amount of compensation under this act shall be, Amount of compensation for death;  
 (a) Where death results from injury: (1) If the workman leaves any dependents wholly dependent upon his earnings, an amount equal to three times his earnings for the preceding year but not exceeding thirty-six hundred dollars and not less than twelve hundred dollars, provided, such earnings shall be computed upon the basis of the scale which he received or would have been entitled to receive had he been at work, during the thirty days next preceding the accident; and, if the period of the workman's employment by the said employer had been less than one year, then the amount of his earnings during the said year shall be deemed to be fifty-two times his average weekly earnings during the period of his actual employment under said employer: *Provided,*

That the amount of any payments made under this act and any lump sum paid hereunder for such injury from which death may thereafter result shall be deducted from such sum: *And provided, however,* That if the workman does not leave any dependents, citizens of and residing at the time of the accident in the United States or the Dominion of Canada, the amount of compensation shall not exceed in any case seven hundred and fifty dollars. (2) If the workman does not leave any such dependents, but leaves any dependents in part dependent upon his earnings, such proportion of the amount payable under the foregoing provisions of this section, as may be agreed upon or determined to be proportionate to the injury to the said dependents; and (3) If he leaves no dependents, the reasonable expense of his medical attendance and burial, not exceeding one hundred dollars. (b) Where total incapacity for work results from injury, periodical payments during such incapacity, commencing at the end of the second week, equal to fifty per cent of his average weekly earnings computed as provided in section 12 but in no case less than six dollars per week or more than fifteen dollars per week. (c) When partial incapacity for work results from injury, periodical payments during such incapacity, commencing at the end of the second week, shall not be less than twenty-five per cent, nor exceeding fifty per cent, based upon the average weekly earnings computed as provided in section 12, but in no case less than three dollars per week or more than twelve dollars per week: *Provided, however,* That if the workman is under twenty-one years of age at the date of the accident and the average weekly earnings are less than \$10.00 his compensation shall not be less than seventy-five per cent of his average earnings. No such payment for total or partial disability shall extend over a period exceeding ten years.

**Earnings computed, how.** SEC. 12. For the purposes of the provisions of this act relating to "earnings" and "average earnings" of a workman the following rules shall be observed: (a) "Average earnings" shall be computed in such manner as is best calculated to give the average rate per week at which the workman was being remunerated for the 52 weeks prior to the accident: *Provided,* That where by reason of the shortness of time during which the workman has been in the employment of his employer, or the casual nature or the terms of the employment, it is impracticable to compute the rate of remuneration, regard shall be had to the average weekly amount which, during the twelve months previous to the accident, was being earned by a person in the same grade employed at the same work by the same employer, or, if there is no person employed, by a person in the same grade employed in the same class of employment and in the same district. (b) Where the workman had entered into concurrent contracts of service with two or more employers under which he worked at one time for one such employer and at another time for another such employer, his "earnings" and his "average earnings" shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident. (c) Employment by the same employer shall be taken to mean employment by the same employer in the grade in which the workman was employed at the time of the accident, uninterrupted by his absence of work due to illness or any other unavoidable cause. (d) Where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed upon him by the nature of his employment, the sum so paid shall not be reckoned as part of the earnings. (e) In fixing the amount of the payment, allowance shall be made for any payment or benefit which the workman may receive from the employer during his period of incapacity. (f) In case of partial incapacity the payments shall be computed to equal, as closely as possible, fifty per cent of the difference between the amount of the "average earnings" of the workman before the accident, to be computed as herein provided, and the average amount which he is most

probably able to earn in some suitable employment or business after the accident, subject however, to the limitations hereinbefore provided.

SEC. 13. The payments shall be made at the same time, place and in the same manner as the wages of the workman were payable at the time of the accident, but a judge of any district court having jurisdiction upon the application of either party may modify such regulation in a particular case as to him may seem just.

Payments.

SEC. 14. Where death results from the injury and the dependents of the deceased workman as herein defined, have agreed to accept compensation, and the amount of such compensation and the apportionment thereof between them has been agreed to or otherwise determined, the employer may pay such compensation to them accordingly (or to an administrator if one be appointed) and thereupon be discharged from all further liability for the injury. Where only the apportionment of the agreed compensation between the dependents is not agreed to, the employer may pay the amount into any district court having jurisdiction, or to the administrator of the deceased workman, with the same effect. Where the compensation has been so paid into court or to an administrator, the proper court, upon the petition of such administrator or any of such dependents, and upon such notice and proof as it may order shall determine the distribution thereof among such dependents. Where there are no dependents, medical and funeral expenses may be paid and distributed in like manner.

Payments to dependents.

SEC. 15. The payments due under this act, as well as any judgment obtained thereunder, shall not be assignable or subject to levy, execution or attachment, except for medicine, medical attention and nursing and no claim of any attorney at law for services rendered in securing such indemnity or compensation or judgment shall be an enforceable lien thereon, unless the same has been approved in writing by the judge of the court where said case was tried; but if no trial was had, then by any judge of the district court of this State to whom such matter has been regularly submitted, on due notice to the party or parties in interest of such submission.

Payments not assignable, etc.

SEC. 16. Employers affected by this act shall report annually to the State commissioner and factory inspector such reasonable particulars in regard thereto as he may require, including particulars as to all releases of liability under this act and any other law. The penalty for failure to report or for false report shall invalidate any such release of liability.

Reports employers.

SEC. 17. (a) After an injury to the employees, if so requested by his employer, the employee must submit himself for examination at some reasonable time to a reputable physician selected by the employer, and from time to time thereafter during the pendency of his claim for compensation, or during the receipt by him for payment under this act, but he shall not be required to so submit himself, more than once in two weeks unless in accordance with such orders as may be made by the proper court or judge thereof. Either party may upon demand require a report of any examination made by the physician of the other party upon payment of a fee of one dollar therefor. (b) If the employees request he shall be entitled to have a physician of his own selection present at the time to participate in such examinations. (c) Unless there has been a reasonable opportunity thereafter for such physician selected by the employee to participate in the examination in the presence of the physician selected by the employer, the physician selected by the employer shall not be permitted afterwards to give evidence of the condition of the employee in a dispute as to the injury. (d) Except as provided herein in this act there shall be no other disqualification or privilege preventing the testimony of a physician who actually makes an examination.

Medical examinations.

SEC. 18. In case of a dispute as to the injury, the committee, or arbitrator as hereinafter provided, or the judge of the district

Special examinations.

court shall have the power to employ a neutral physician of good standing ability, whose duty it shall be, at the expense of the parties to make an examination of the injured person, as the court may direct, on the petition of either or both the employer and employee or dependents.

**Evidence not admitted, when.** Sec. 19. If the employer or the employee has a physician make such an examination and no reasonable opportunity is given to the other party to have his physician make examination, then, in case of a dispute as to the injury, the physician of the party making such examination shall not give evidence before the court unless a neutral physician either has examined or then does examine the injured employee and give testimony regarding the injuries.

**Refusal to be examined.** Sec. 20. If the employee shall refuse examination by physician selected by the employer, with the presence of a physician of his own selection, and shall refuse an examination by the physician appointed by the court, he shall have no right to compensation during the period from refusal until he, or someone in his behalf, notifies the employer or the court that he is willing to have such examination.

**Certificates.** Sec. 21. A physician making an examination shall give to the employer and to the workman a certificate as to the condition of the workman, but such certificate shall not be competent evidence of that condition unless supported by his testimony if his testimony would have been admissible.

**Notice.** Sec. 22. Proceedings for the recovery of compensation under this act shall not be maintainable unless written notice of the accident, stating the time, place, and particulars thereof, and the name and address of the person injured, has been given within ten days after the accident, and unless a claim for compensation has been made within six months after the accident, or in case of death, within six months from the date thereof. Such notice shall be delivered by registered mail, or by delivery to the employer. The want of, or any defect in such notice or in its service, shall not be a bar unless the employer proves that he has, in fact, been thereby prejudiced, or if such want or defect was occasioned by mistake, physical or mental incapacity or other reasonable cause, and the failure to make a claim within the period above specified shall not be a bar, if such failure was occasioned by a mistake, physical or mental incapacity, or other reasonable cause.

**Agreements.** Sec. 23. Compensation due under this act may be settled by agreement. Every such agreement, other than a release, shall be in the form hereinafter provided.

**Settlement of disputes.** Sec. 24. If compensation be not so settled by agreement: (a) If any committee representative of the employer and the workman exists, organized for the purpose of settling disputes under this act, the matter shall, unless either party objects by notice in writing delivered or sent by registered mail to the other party before the committee meets to consider the matter, be settled in accordance with its rules by such committee or by an arbitrator selected by it. (b) If either party so objects, or there is no such committee, or the committee or the arbitrator to whom it refers the matter fails to settle it within sixty days from the date of the claim, the matter may be settled by a single arbitrator agreed on by the parties, or appointed by any judge of a court where an action might be maintained. The consent to arbitration shall be in writing and signed by the parties and may limit the fees of the arbitrator and the time within which the award must be made. And unless such consent and the order of appointment expressly refers other questions, only the question of the amount of compensation shall be deemed to be in issue.

**Award.** Sec. 25. The arbitrator shall not be bound by technical rules of procedure or evidence, but shall give the parties reasonable opportunity to be heard and act reasonably and without partiality. He shall make and file his award, with the consent to arbitration attached in the office of the clerk of the proper district.

court within the time limited in the consent, or if no time limit is fixed therein, within sixty days after his selection, and shall give notice of such filing to the parties by mail.

SEC. 26. The arbitrator's fee shall be fixed by the consent to arbitration or be agreed to by the parties before the arbitration, and if not so fixed or agreed to, they shall not exceed \$10.00 per day, for not to exceed ten days, and disbursements for expense. The arbitrator shall tax or apportion the costs of such fees in his discretion and shall add the amount taxed or apportioned against the employer to the first payment made under the award, and he shall note the amount of his fees on the award and shall have a lien therefor on the first payments due under the award.

Fees.

SEC. 27. Every agreement for compensation and every award shall be in writing, signed and acknowledged by the parties or by the arbitrator or secretary of the committee hereinbefore referred to, and shall specify the amount due and unpaid by the employer to the workman up to the date of the agreement or award, and if any, the amount of the payments thereafter to be paid by the employer to the workman and the length of time such payments shall continue.

Agreements,  
etc., to be in  
writing.

SEC. 28. It shall be the duty of the employer to file or cause to be filed every release of liability hereunder, every agreement for or award of compensation, or modifying an agreement for or award of compensation, under this act, if not filed by the committee or arbitrator, to which he is a party, or a sworn copy thereof, in the office of the district court in the county in which the accident occurred within sixty days after it is made, otherwise it shall be void as against the workman. The said clerk shall accept, receipt for, and file any such release, agreement or award, without fee, and record and index it in the book kept for that purpose. Nothing herein shall be construed to prevent the workman from filing such agreement or award.

Filing.

SEC. 29. At any time within one year after an agreement or award has been so filed, a judge of a district court having jurisdiction may, upon the application of either party, cancel such agreement or award, upon such terms as may be just, if it be shown to his satisfaction that the workman has returned to work and is earning approximately the same or higher wages as or than he did before the accident, or that the agreement or award has been obtained by fraud or undue influence, or that the committee or arbitrator making the award acted without authority or was guilty of serious misconduct, or that the award is grossly inadequate or grossly excessive, or if the employee absents himself so that a reasonable examination of his condition can not be made, or has departed beyond the boundaries of the United States or Canada.

Cancellation.

SEC. 30. At any time after the filing of an agreement or award and before judgment has been granted thereon, the employer may stay proceedings thereon by filing in the office of the clerk of the district court wherein such agreements or award is filed: (a) A proper certificate of a qualified insurance company that the amount of the compensation to the workman is insured by it: (b) A proper bond undertaking to secure the payment of the compensation. Such certificate or bond shall first be approved by a judge of the said district court.

Stay of pro-  
ceedings.

SEC. 31. At any time after an agreement or award has been filed, the workman may apply to the said district court for judgment against the employer for a lump sum equal to eighty per cent of the amount of payments due and unpaid and prospectively due under the agreement or award; and, unless the agreement or award be stayed, modified or canceled, or the liability thereunder be redeemed or otherwise discharged, the court shall examine the workman under oath, and if satisfied that the application is made because of doubt as to the security of his compensation, shall compute the sum and direct judgment accordingly, as if in an action: *Provided*, That if the employer shall give a good and sufficient bond, approved by the court, no execution shall issue on such

Lump sum  
payments.

judgment so long as the employer continues to make payments in accordance with the original agreement or award undiminished by the discount.

**Review, etc.** **Sec. 32.** An agreement or award may be modified at any time by a subsequent agreement; or, at any time after one year from the date of filing; it may be reviewed, upon the application of either party on the ground that the incapacity of the workman has subsequently increased or diminished. Such application shall be made to the said district court; and, unless the parties consent to arbitration, the court may appoint a medical practitioner to examine the workman and report to it; and upon his report and after hearing the evidence of the parties, the court may modify such agreement or award, as may be just, by ending, increasing or diminishing the compensation, subject to the limitations hereinafter provided.

**Lump-sum payments after six months.** **Sec. 33.** Where any payment has been continued for not less than six months the liability therefor may be redeemed by the employer by the payment to the workman of a lump sum of an amount equal to eighty per cent of the payments which may become due according to the award, such amount to be determined by agreement, or, in default thereof, upon application, to a judge of a district court having jurisdiction. Upon paying such amount the employer shall be discharged from all further liability on account of the injury, and be entitled to a duly executed release, upon filing which or other due proof of payment, the liability upon any agreement or award shall be discharged of record.

**Insurer's rights.** **Sec. 34.** Where the payment of compensation to the workman is insured, by a policy or policies, at the expense of the employer, the insurer shall be subrogated to the rights and duties under this act of the employer, so far as appropriate.

**Courts.** **Sec. 35.** All references hereinbefore to a district court of the State of Kansas having jurisdiction of a civil action between the parties shall be construed as relating to the then existing Code of Civil Procedure. Such court shall make all rules necessary and appropriate to carry out the provisions of this act.

**Legal enforcement.** **Sec. 36.** A workman's right to compensation under this act, may, in default of agreement or arbitration, be determined and enforced by action in any court of competent jurisdiction. In every such action the right to trial by jury shall be deemed waived and the case tried by the court without a jury, unless either party, with his notice of trial, or when the case is placed upon the calendar—demand a jury trial. The judgment in the action, if in favor of the plaintiff, shall be for a lump sum equal to the amount of the payments then due and prospectively due under this act, with interest on the payments overdue, or, in the discretion of the trial judge, for periodical payments as in an award. Where death results from injury, the action shall be brought by the dependent or dependents entitled to the compensation or by the legal representative of the deceased for the benefit of the dependents as herein defined; and in such action the judgment may provide for the proportion of the award to be distributed to or between the several dependents; otherwise such proportions shall be determined by the proper probate court. An action to set aside a release or other discharge of liability on the ground of fraud or mental incompetency may be joined with an action for compensation under this act. No action or proceeding provided for in this act shall be brought or maintained outside of the State of Kansas, and notice thereof may be given by publication against nonresidents of the State in the manner now provided by article 7 of chapter 95, General Statutes of Kansas of 1909 so far as the same may be applicable, and by personal service of a true copy of the first publication within twenty-one days after the date of the said first publication unless excused by the court upon proper showing that such service can not be made.

SEC. 37. The cause of action shall be deemed in every case, including a case where death results from the injury to have accrued to the injured workman at the time of the accident; and the time limited in which to commence an action for compensation therefor shall run as against him, his legal representatives and dependents from that date. Rights a-  
c-  
crué when.

SEC. 38. Contingent fees of attorneys for services and proceedings under this act shall in every case be subject to approval by the court. Attorneys'  
fees.

SEC. 39. If the superintendent of insurance by and with the advice and written approval of the attorney general certifies that any scheme of compensation, benefit or insurance for the workman of an employer in any employment to which this act applies, whether or not such scheme includes other employers and their workmen, provides scales of compensation not less favorable to the workmen and their dependents than the corresponding scales contained in this act, and that, where the scheme provides for contributions by the workman, the scheme confers benefits at least equivalent to those contributions, in addition to the benefits to which the workmen would have been entitled under this act or their equivalents, the employer, may, while the certificate is in force, contract with any of his workmen that the provisions of the scheme shall be substituted for the provisions of this act; and thereupon the employer shall be liable only in accordance with that scheme; but, save as aforesaid, this act shall not apply notwithstanding any contract to the contrary made after this act becomes a law. Schemes may  
be substituted.

SEC. 40. No scheme shall be so certified which does not contain suitable provisions for the equitable distribution of any moneys or securities held for the purpose of the scheme, after due provision has been made to discharge the liabilities already accrued, if and when such certificate is revoked or the scheme otherwise terminated. Provisions to  
be equitable.

SEC. 41. If at any time the scheme no longer fulfills the requirements of this article, or is not fairly administered, or other valid and substantial reasons therefor exist, the superintendent of insurance by and with the attorney general shall revoke the certificate and the scheme shall thereby be terminated. Certificate  
may be re-  
voked.

SEC. 42. Where a certified scheme is in effect the employer shall answer all such inquiries and furnish all such accounts in regard thereto as may be required by the superintendent. Reports.

SEC. 43. The superintendent of insurance may make all rules and regulations necessary to carry out the purposes of the four preceding sections. Rules.

SEC. 44. All employers as defined by this act who shall elect to come within the provisions of this act and of all acts amendatory hereof shall do so by filing a statement to such effect with the secretary of state of this State at any time after taking effect of this act, which election shall be binding upon such employer for the term of one year from the date of the filing of such statement, and thereafter, without further act on his part, for successive terms of one year each, unless such employer shall, at least sixty days prior to the expiration of such first or of any succeeding year, file in the office of the secretary of state a notice in writing to the effect that he withdraws his election to be subject to the provisions of this act. Notice of such election or withdrawal shall be forthwith posted by such employer in conspicuous places in and about his place of business. Election by  
employers ;

SEC. 45. Every employee entitled to come within the provisions of this act, shall be presumed to have done so unless he serve written notice, before injury, upon his employer that he elects not to accept thereunder and thereafter any such employee desiring to change his election shall only do so by serving written notice thereof upon his employer. Any contract wherein an employer requires of an employee as a condition of employment that he shall elect not to come within the provisions of this act shall be void. By employees.

- Suits for damages.** SEC. 46. In any action to recover damages for a personal injury sustained within this State by an employee (entitled to come within the provisions of this act) while engaged in the line of his duty as such or for death resulting from personal injury so sustained, in which recovery is sought upon the ground of want of due care of the employer or of any officer, agent or servant of the employer, where such employer is within the provisions hereof, it shall not be a defense to any employer (as herein in this act defined) who shall not have elected, as hereinbefore provided, to come within the provisions of this act; (a) That the employee either expressly or impliedly assumed the risk of the hazard complained of; (b) that the injury or death was caused in whole or in part by the want of due care of a fellow servant; (c) that such employee was guilty of contributory negligence but such contributory negligence of said employee shall be considered by the jury in assessing the amount of recovery.
- Defenses abrogated, when.**
- Defenses allowed, when.** SEC. 47. In an action to recover damages for a personal injury sustained within this State by an employee (entitled to come within the provisions of this act) while engaged in the line of his duty as such or for death resulting from personal injury so sustained in which recovery is sought upon the ground of want of due care of the employer or of any officer, agent or servant of the employer, and where such employer has elected to come and is within the provisions of this act as hereinbefore provided, it shall be a defense for such employer in all cases where said employee has elected not to come within the provisions of this act; (a) That the employee either expressly or impliedly assumed the risk of the hazard complained of; (b) that the injury or death was caused in whole or in part by the want of due care of a fellow servant; (c) that said employee was guilty of contributory negligence: *Provided, however,* That none of these defenses shall be available where the injury was caused by the willful or gross negligence of such employer, or of any managing officer, or managing agent of said employer or where under the law existing at the time of the death or injury such defenses are not available.
- Construction of statute.** SEC. 48. Nothing in this act shall be construed to amend or repeal section 6999 of the General Statutes of Kansas of 1909, or House bill No. 240 of the Session of 1911, the same being "An act relating to the liability of common carriers by railroads to their employees in certain cases, and repealing all acts and parts of acts so far as the same are in conflict herewith."
- In effect, when.** SEC. 49. This act shall take effect and be in force from and after its publication in the statute book, and the first day of January, 1912.

Approved March 14, 1911.

CHAPTER 219.—*Payment of wages due employees at termination of employment.*

- Wages to be paid, when.** SECTION 1. 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.
- Violations.** SEC. 2. Any corporation or firm failing or refusing to pay wages due to any person leaving their employment, as provided in section 1 of this act, shall, as a penalty for violation thereof for such nonpayment, the wages of such servant or employee shall continue from the date of the discharge or resignation of said employee, at the same rate as if he was still in the service, until full and complete settlement is made: *Provided,* Such wages shall not continue for more than 60 days unless action

for the recovery of the same shall have been commenced in any court of competent jurisdiction within that time.

Approved March 14, 1911.

CHAPTER 221.—*Mine regulations—Telephones.*

SECTION 1. On and after November 1st, 1911, it shall be unlawful for any corporation, company, owner, lessee, officer, or agent to operate or permit to be operated any coal mine within the State of Kansas, not equipped with a party line telephone system as hereinafter provided. Telephone required.

SEC. 2. There shall be a system of party line telephones which shall include one telephone on the surface not to exceed one hundred feet from the tippie, and one at the bottom of the shaft not to exceed one hundred feet therefrom, or, in slope or drift mines at the first cross entry from the mouth of slope or drift; and in addition thereto, there shall be one telephone in the main entry on each side of the mine not to exceed 1000 [feet] from the bottom of the hoisting shaft, slope or drift; and there shall be additional telephones installed thereafter in the main entry on each side of the mine at a point not to exceed one thousand feet from last phone installed; *Provided*, That if cross entries are used in development in place of main entries, this regulation shall apply thereto: *And provided further*, That when main entries reach the land line, or extreme point of development at a distance more than six hundred feet from last telephone installed in such entry, then an additional telephone shall be installed at last cross entries. Equipment. 7

SEC. 3. Telephones may be removed in the development of any mine, from any worked-out portion thereof. Removal.

SEC. 4. In case of a danger signal or alarm being given, it shall be the duty of all drivers, motormen and trip riders, to notify all other drivers, motormen, trip riders or miners from whom they haul coal, and it shall be the duty of every person in the mine receiving such danger signal to cooperate in giving notice thereof to all other persons in the mine. Notice of danger.

SEC. 5. Any willful neglect or refusal to obey the requirements or provisions of this act, or willfully giving a false danger signal, or tampering with or destruction of any of the appliances required by the provisions of this act, shall be deemed a misdemeanor, punishable by a fine of not less than fifty dollars and not to exceed two hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, in the discretion of the court. Violations.

SEC. 6. If any corporation, company, owner, lessee, officer or agent shall refuse or neglect to comply with the provisions of this act, they shall be deemed guilty of a misdemeanor punishable by a fine of not less than one hundred dollars for each offense, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment, and each day that any mine is operated in violation of the provisions of this act shall constitute a separate offense. Noncompliance with act.

Approved March 11, 1911.

CHAPTER 222.—*Mine regulations—Wash rooms for workmen.*

SECTION 1. It shall be the duty of every owner, or lessee, its officers or agents, or other person or persons having the direction of any coal mine within the State of Kansas to provide on and after October 1st, 1911, a suitable building which shall be convenient to the principal entrance of such mine, equipped with individual lockers, proper light, heat, hot and cold water, and shower baths and maintain same in good order for the use of persons employed therein, for the purpose of washing and bathing of employees and changing of clothing; said employees are to furnish their own towels, soap and lock for their lockers, exer- Wash rooms required.

cise control over and be responsible for property by them left therein.

**Responsibility for property.** SEC. 2. No owner or lessee, its officers, or agents, or other persons installing such bath house at its or their mine or mines shall be legally liable for the loss or destruction of any property left by its or their employees at or in said bath house.

**Violations.** SEC. 3. Any owner, lessee, its officers or agents, or other person or persons failing or refusing to comply with the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in the sum of not less than fifty dollars nor more than one hundred dollars for each violation of the provisions of this act.

Approved March 7, 1911.

CHAPTER 239.—*Railroads—Liability for injuries to employees.*

**Injuries caused by fellow servants, etc.** SECTION 1. Every company, corporation, receiver or other person operating any railroad in this State shall be liable in damages to any person suffering injury while he is employed by such carrier operating such railroad or in case of the death of such employee, to his or her personal representative for the benefit of the surviving widow and children, or husband and children, or children, or mother or father of the deceased, and if none, then the next of kin dependent upon such employee for such injury or death resulting in whole or in part from the negligence of any of the officers, agents or employees of such carrier; or by reason of any insufficiency of clearance of obstructions, of strength of road bed and tracks or structure, of machinery and equipment, of lights and signals, or rules and regulations and of number of employees to perform the particular duties with safety to themselves and their coemployees, or of any other insufficiency, or by reason of any defect, which defect is due to the negligence of said employer, its officers, agents, servants or other employees in its cars, engines, motors, appliances, machinery, track, road bed, boats, works, wharves, or other equipment.

**Defects in plant, etc.**

**Negligence to be measured.**

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

**Risks not assumed, when.**

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

**Waivers.**

SEC. 4. Any contract, rule, regulation or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void: *Provided*, That in any action brought against any common carrier under or by virtue of any of the provisions of this act, such common carrier may set off therein any sum contributed or paid to any insurance, relief, benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

**Set-offs.**

SEC. 5. Any right of action given by this act to a person suffering injury shall survive to his or her personal representatives, for the benefit of those entitled to recover under this act but in such cases there shall be only one recovery for the same injury. Rights survive.

Approved March 7, 1911.

CHAPTER 241.—*Railroads—Headlight on locomotives.*

SECTION 1. On and after January 1st, 1912, it shall be the duty of every company, corporation, lessee, manager, or receiver owning or operating a railroad in the State of Kansas to equip and maintain and use upon each and every locomotive engine being operated in road service within the State of Kansas a headlight of a power that will outline the figure of a man on or adjacent to the track, plainly visible at a distance of 800 feet, preceding the locomotive. The visibility herein mentioned is understood to be measured by and under ordinary night conditions, and for the normal sight of a person having the usual visual capacity required of a locomotive engineer at his place in charge of a moving locomotive: *Provided*, That this act shall not apply to engines running not more than ten miles into the State to complete their runs: *And provided further*, That this act shall not apply to locomotive engines used in regular switching service: *And provided further*, That this act shall not apply to locomotive engines used exclusively between sun up and sun down, nor on engines going to or returning from repair shops when ordered to such shops for repair. Power of headlights.

Exceptions.

SEC. 2. Any railroad company or the receiver, lessee, manager or superintendent thereof, violating the provisions of section 1 of this act, or who permits this act to be violated when within his official authority to prevent its violation, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars, nor more than five hundred dollars for each offense, and the operation of one engine for any part of one day in violation of this act shall be construed to be a complete misdemeanor. Violations.

Approved March 14, 1911.

MAINE.

ACTS OF 1911.

CHAPTER 26.—*Seats for female employes in stores, etc.*

SECTION 1. The proprietor, manager or person having charge of any mercantile establishment, store, shop, hotel, restaurant or other place where women or girls are employed as clerks or help therein in this State shall provide chairs, stools or other contrivances for the comfortable use of such female employes for the preservation of their health and for rest when not actively employed in the discharge of their respective duties. Seats to be provided.

SEC. 2. Any proprietor, manager or other person violating the preceding section of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than ten dollars nor more than one hundred dollars. Violations.

Approved March 11, 1911.

CHAPTER 39.—*Payment of wages—Weekly pay day.*

SECTION 1. Every manufacturing, mining or quarrying, mercantile, street railway, telegraph or telephone corporation, every incorporated express company or water company, and every contractor, person or partnership engaged in any manufacturing business, in any of the building trades, in quarries or mines, upon public works or in the construction or repair of street railways, roads, bridges or sewers or of gas, water or electric light works, pipes or lines, shall pay weekly each employee engaged in his or its business the wages Wages to be paid weekly.

Workmen  
leaving employment.

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 act. Whoever violates the provisions of this act shall be punished by a fine of not less than ten nor more than fifty dollars.

Exceptions.

Approved March 16, 1911.

#### CHAPTER 55.—Hours of labor of women and children.

SECTION 1. Section forty-eight of chapter forty of the Revised Statutes as amended by chapter seventy of the public laws of nineteen hundred and nine is hereby amended \* \* \* so that said section shall read as follows:

Ten-hour day. Section 48. No female minor under eighteen years of age, no male minor under sixteen years of age, and no woman shall be employed in laboring in any manufacturing or mechanical establishment in the State, more than ten hours in any one day, except when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed fifty-eight in a week; and in no male person, sixteen years of age and over shall be so employed as above, more than ten hours a day during minority, unless he voluntarily contracts to do so with the consent of his parents, or one of them, if any, or guardian, and in such case he shall receive extra compensation for his services: *Provided, however*, That any female of eighteen years of age or over, may lawfully contract for such labor for any number of hours in excess of ten hours a day, not exceeding six hours in any one week, or sixty hours in any one year, receiving additional compensation therefor; but during her minority, the consent of her parents, or one of them, or guardian, shall be first obtained. Nothing in this section shall apply to any manufacturing establishment or business, the materials and products of which are perishable and require immediate labor thereon, to prevent decay thereof or damage thereto.

Fifty-eight hours per week. Boys over 16.

Girls over 18.

Exceptions.

Approved March 22, 1911.

#### CHAPTER 65.—Department of labor and industry.

Commissioner of labor. SECTION 1. The governor is hereby authorized and directed to appoint within thirty days after this act shall become law, and every third year thereafter, by and with the consent of the council, and also within thirty days after the occurrence of any vacancy in the office, a suitable person as commissioner of labor and State factory inspector, who shall hold his office until his successor be appointed and qualified. The title of such officer shall be commissioner of labor and industry, and State factory inspector, and the

term of office of such commissioner shall be for a period of three years after such appointment. Such commissioner shall have an office in the State capitol building suitably furnished and equipped for the work of said department of labor and industry. He shall perform his duties as herein provided and shall appoint a deputy who shall be clerk of the department, and deputy State factory inspector. The term of office of such deputy shall continue during the pleasure of such commissioner.

Deputy.

SEC. 2. It shall be the duty of the department to collect, assort, arrange and present to the governor on or before the first day of January, nineteen hundred and thirteen and biennially thereafter, statistical details relating to all departments of labor and industrial pursuits in the State; to trade-unions and other labor organizations and their effect upon labor and capital; to the number and character of industrial accidents and their effect upon the injured, their dependent relatives and upon the general public; to other matters relating to the commercial, industrial, social, educational, moral and sanitary conditions prevailing within the State, including the names of firms, companies or corporations, where located, the kind of goods produced or manufactured, the time operated each year, the number of employes classified according to age and sex, and the daily and average wages paid each employe; and the exploitation of such other subjects as will tend to promote the permanent prosperity of the respective industries of the State. It shall also be the duty of the commissioner of labor to cause to be enforced all laws regulating the employment of children, minors and women; all laws established for the protection of health, lives and limbs of operators in workshops and factories, on railroads and other places; all laws regulating the payment of wages, and all laws enacted for the protection of the working classes now in force or that may hereafter be enacted. In its biennial report the department shall also give an account of all proceedings which have been taken in accordance with the provisions of this act, or any of the other laws herein referred to, and in addition thereto, such remarks, suggestions and recommendations as the commissioner may deem necessary for the information of the legislature.

Reports.

SEC. 3. The commissioner is hereby authorized to furnish and deliver a written or printed list of interrogatories for the purpose of gathering facts and statistics such as are contemplated by this act to any person, company or the proper officer of any corporation operating within the State, and require full and complete answers to be made thereto and returned under oath; the commissioner shall have a seal, and have power to take and preserve testimony, to issue subpoenas, and administer oaths, and examine witnesses under oath in all matters relating to the duties herein required by said department of labor, such testimony to be taken in some suitable place in the vicinity to which the testimony is applicable. Witnesses subpoenaed and testifying before the commissioner of said department shall be paid the same fees as witnesses before a supreme judicial court; such payment to be made from any funds at the disposal of the department of labor. Any person duly subpoenaed under the provisions of this act who shall willfully neglect or refuse to attend, or refuse to answer any question propounded to him concerning the subject of such examination as provided in this act, or if any person to whom a written or printed list of interrogatories has been furnished by said commissioner shall neglect or refuse to answer and return the same under oath, such person or persons shall be deemed guilty of a misdemeanor, and upon complaint of the commissioner before a court of competent jurisdiction, and upon conviction thereof, such person or persons shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment: *Provided, however,* That no witness shall be compelled to go outside of the county in which he resides to testify. In the report of said

Information to be obtained.

department no use shall be made of the names of individuals, firms or corporations supplying the information called for by this act, unless by written permission, such information being confidential and not for the purpose of disclosing personal affairs.

Inspection of  
factories, etc.

SEC. 4. The commissioner as State factory inspector and any authorized agent of the labor department shall have power to enter any factory or mill, workshop, private works or State institutions which have shops or factories, when the same are open or in operation, for the purpose of gathering facts and statistics such as are contemplated by this act, and to examine into the methods of protection from danger to employees and the sanitary conditions in and around such buildings and places, and to make a record thereof of such inspection. And if any person, or persons, shall refuse to allow the commissioner, or any authorized agent of the labor department, to so enter, or shall refuse to give the information so desired by said commissioner or authorized agent, then said person or persons, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine not to exceed one hundred dollars, or by imprisonment for not more than ninety days, or both such fine and imprisonment in the discretion of the court. If the commissioner as State factory inspector, or any authorized agent of the department of labor, shall find upon such inspection that the heating, lighting, ventilation or sanitary arrangement of any workshops or factories is such as to be injurious to the health of the persons employed or residing therein or that the means of egress in case of fire or other disaster are not sufficient, or that the belting, shafting, gearing, elevators, drums, saws, cogs and machinery in such workshops and factories are located or are in a condition so as to be dangerous to employees and not sufficiently guarded, or that vats, pans, or any other structures, filled with molten metal or hot liquids, are not surrounded with proper safeguards for preventing accidents or injury to those employed at or near them, he shall notify, in writing, the owner, proprietor or agent of such workshops or factories to make, within thirty days, the alterations or additions by him deemed necessary for the safety and protection of the employees; and if such alterations or additions are not made within thirty days from the date of such written notice, or within such time as said alterations or additions can be made with proper diligence upon the part of such proprietors, owners or agents, said proprietors, owners or agents so notified shall be deemed guilty of a misdemeanor, and upon complaint of the commissioner as State factory inspector before a court of competent jurisdiction, and upon conviction thereof, shall be fined in a sum not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment not more than thirty days, or by both such fine and imprisonment.

Defective  
conditions.

Definitions.

SEC. 5. The following expressions used in this act shall have the following meanings: The expression "person" means an individual, corporation, partnership, company or association. The expression "factory" means any premises where steam, water or other mechanical power is used in aid of any manufacturing process there carried on. The expression "workshop" means any premises, room or place, not being a factory as above defined, wherein any manual labor is exercised by way of trade, or for the purpose of gain in or incidental to any process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part, of an article, and to which or over which premises, room or place the employer of the person or persons working therein has the right of access or control: *Provided, however,* That the exercise of such manual labor in a private house, or a private room by the family dwelling therein, or by any of them, or in case a majority of persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition. The

aforesaid expressions shall have the meanings above defined for them respectively in all laws of this State relating to the employment of labor, unless a different meaning is plainly required by the context.

SEC. 6. All State, county, city and town officers are hereby directed to furnish said commissioner, upon his request, such statistical or other information contemplated by this act as shall be in their possession as such officers. Municipal affairs.

SEC. 7. In addition to the deputy commissioner provided for by section one of this act, the commissioner shall appoint a stenographer for the department of labor; he shall also employ a woman factory inspector, and he may also employ special agents and such other assistants, as may be necessary in the discharge of the official duties of said department of labor; such special agents and other assistants shall be paid for the services rendered such compensation as the commissioner may deem proper, but no such agents or assistants shall be paid more than three dollars per day in addition to necessary traveling expenses, said agents and assistants shall work under the supervision and direction of the commissioner of labor. Assistants.

SEC. 8. The salary of said commissioner shall be sixteen hundred dollars per year, and that of his deputy, thirteen hundred dollars per year, together with all necessary traveling expenses. The salary of the stenographer shall be six hundred dollars per year. All such salaries and other expenses provided for in this act, shall be audited the same as salaries and expenses of other state departments and shall be payable upon proper vouchers certified by the commissioner: *Provided*, That the amount thereof, exclusive of the salaries provided for by this section, shall not exceed for any two years the sum of nine thousand dollars, making the total annual appropriation for this department of labor for all purposes, eight thousand dollars: *Provided, however*, That any unexpended balance to the credit of the department of labor at the close of any year in which the legislature regularly meets shall be carried over and made available for use in the following year. Salaries, etc.

SEC. 9. Said commissioner shall be authorized to have printed for general distribution, not to exceed four thousand copies of his biennial report, and he may also from time to time, cause to be printed and distributed bulletins upon any subject that shall be of public interest and of benefit to the State. Printing reports.

SEC. 10. Sections forty, forty-one, and forty-two of chapter forty of the Revised Statutes, as amended by chapter two hundred and fifteen of the Public Laws of Nineteen Hundred and Nine, chapter one hundred and eighty of the Public Laws of Nineteen Hundred and Nine, sections forty-three, forty-four, forty-five, forty-six and forty-seven of chapter forty of the Revised Statutes as amended by chapter seventy-seven of the Public Laws of Nineteen Hundred and Seven, and chapter two hundred and nine of the Public Laws of Nineteen Hundred and Nine are hereby repealed.

SEC. 11. All authority heretofore vested in the commissioner of the bureau of industrial and labor statistics as such, and the inspector of factories, workshops, mines and quarries as such, are hereby vested in the commissioner of labor and industry and State factory inspector as provided for in this act. Authority of commissioner.

Approved March 22, 1911.

CHAPTER 87.—*Private employment offices.*

SECTION 1. No person shall open, keep or carry on any employment agency in the State of Maine, unless every such person shall procure a license therefor from the municipal officers of the town where such employment agency is to be located. Any person who shall open or conduct any such agency without first procuring such license shall be guilty of a misdemeanor and shall be punishable by a fine of not less than fifty dollars and not exceed- License required.

ing three hundred dollars, or upon failure to pay such fine by imprisonment for a period not exceeding six months and not less than one month, or both, at the discretion of the court. Such license shall be granted upon the payment to said municipal officers annually of a fee of twenty-five dollars. Such license shall be signed by a majority of the said municipal officers and shall continue in force from May first to May first of the succeeding year.

Every license so granted shall contain the name of the person licensed, a designation of the city, street and number of the house or building in which the person licensed is authorized to carry on the said employment agency and the number and date of such license. Such license shall not be valid to protect any other place than that designated in the license, unless consent is first obtained from the municipal officers and until the written consent of the surety or sureties on the bond required to be filed by section two of this act to such transfer, be filed with the original bond. No such agency shall be located on premises where intoxicating liquors are sold or dispensed contrary to law, or shall any license be issued to any person, directly or indirectly engaged or interested in the sale of intoxicating liquors.

**Application.**

The application for such license shall be filed with the municipal officers at least one week prior to the date of hearing upon the said application and the said municipal officers shall act upon any application so made within thirty days from the date of the filing of said application. Such application shall be accompanied by the affidavits of two persons who have known the applicant (or the chief officers thereof, if a corporation) for two years at least, stating that the applicant is of good moral character and a resident of the State and has been such for at least five years prior to the date of such application.

**Bond.**

SEC. 2. The municipal officers shall require such person to file with said application for a license a bond in due form in favor of the inhabitants of the city or town wherein such application is made in the penal sum of one thousand dollars, with one or more sureties, to be approved by said municipal officers and conditioned that the obligor will conform to and not violate any of the duties, terms, conditions, provisions or requirements of this act.

If any person shall be aggrieved by the misconduct of any such licensed person, such person may maintain an action in his own name upon the bond of said employment agency, in any court having jurisdiction.

**Register.**

SEC. 3. It shall be the duty of every such licensed person to keep a register in which shall be entered in the English language the date of every accepted application for employment, name and address of the applicant to whom employment is offered or promised, written name and address of the person to whom applicant is sent for employment, and of the fee received.

The aforesaid register of applicants for employment shall be open during office hours to inspection by any one or more of said municipal officers, their qualified agents, or any police officer when on duty.

No such licensed person, or his employees, shall knowingly make any false entries in such register.

**Fees.**

SEC. 4. Every licensed person shall give to each applicant for employment from whom a fee or other valuable thing shall be received for procuring such employment, which fee or other valuable thing shall be and in no case exceed the sum of one dollar, said fee being in full compensation for all service of said licensed person, a receipt in which shall be stated the name of the applicant, the amount of the fee or other valuable thing, the date, the name or nature of the employment or situation to be procured, and the name and address of the person, firm or corporation, to whom the applicant is referred or sent for work or employment.

**Return of fee.**

If the applicant does not obtain a situation, or employment through the agency of such licensed person within six days after the application as aforesaid, said licensed person shall return

to said applicant on demand the amount of the fee or other valuable thing so paid and delivered by said applicant to said licensed person: *Provided*, That said person, seeking employment through such agency, does not break any agreement he may make with said licensed person, relative to time of entering into the employment sought for. Any licensed person shall not by himself, agent, or otherwise, induce or attempt to induce any employee to leave his employment with a view of obtaining other employment through such agency.

Interference  
with employ-  
ment.

SEC. 5. No such licensed person shall send, or cause to be sent, any female help or servants, or inmate or performer, to enter any questionable place or place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purpose of prostitution, vice, or gambling house, the character of which such licensed person knows, either actually or by reputation.

Acts forbid-  
den.

No such licensed person shall permit questionable characters, prostitutes, gamblers, intoxicated persons, or procurers to frequent such agency knowingly. No such licensed person shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever in violation of law.

SEC. 6. The enforcement of this act shall be intrusted to the municipal officers during their term of office and until the qualification of their successor or successors.

Enforcement.

Complaints of the violation of any of the provisions of this act shall be made orally or in writing to said municipal officers and reasonable notice thereof, not less than one day, shall be given in writing to such licensed person by serving upon him concise statements of the facts constituting the complaint, and the hearing shall be had before said municipal officers at such time and place as they may designate, within one week from the date of the service of such complaint upon such licensed person, and no adjournment shall be taken for a period of longer than one week. Reasonable notice of the time and place of hearing shall be given in writing to such licensed person complained against. The result of any such hearing shall be rendered within one week from the date of hearing. The municipal officers may refuse to issue and may revoke any license for any good cause shown within the meaning and purpose of this act, and when it is shown to the satisfaction of a majority of said municipal officers that any person is guilty of any immoral, fraudulent or illegal act or conduct in connection with the conducting of said business, it shall be the duty of said municipal officers to revoke the license of such person, but notice of such charges shall be presented in writing signed by the party making the same and reasonable opportunity shall be given such licensed person to defend himself in the manner and form heretofore provided in this section of this act. Whenever said municipal officers shall refuse to issue or shall revoke any license of any employment agency, said decision shall be final. Whenever for any cause such license shall be revoked, said revocation shall take effect at once after said revocation is announced, and such revocation shall be considered good cause for refusing to issue another license to said person or his representative, or to any person with whom he is to be associated in the business of furnishing employment or help. The violation of any of the provisions of this act except as is otherwise provided shall be punishable by a fine not exceeding twenty-five dollars with costs of prosecution, and any city magistrate, judge of a municipal court, trial justice or any inferior magistrate having original jurisdiction in criminal cases, shall have power to impose said fine and costs, and in default of payment to commit to the county jail or house of correction the person so offending for a period not exceeding thirty days. Any one of the municipal officers may institute criminal proceedings to enforce the provisions of this act before any court of competent jurisdiction.

Refusal or  
revocation of  
license.

Violations.

- Disposition of fees.** SEC. 7. All money paid to said municipal officers by reason of any of the provisions of this act shall be paid to the town or city treasurer for the use of said city or town.
- License to be displayed.** SEC. 8. Said licensed person shall exhibit in a public and conspicuous place in his place of business or office, the license which he has obtained from said municipal officers of the city or town wherein said agency is established.
- Definition.** SEC. 9. The term "person" in this act shall include persons, company, society, association, firm or corporation and the term "employment agency" shall include the business of keeping an intelligence office, employment bureaus or other agencies by procuring work or employment for persons seeking employment, or for acting as agents for procuring such work or employment, where a fee or other valuable thing is exacted, charged or received, or for procuring or assisting to procure employment, work or situation of any kind or for procuring or providing hereby for any person.
- Exceptions.** SEC. 10. This act shall not apply to the employment of seamen or shall the provisions of any section in this act apply to teachers' agencies or charitable institutions.
- Approved March 25, 1911.

CHAPTER 102.—*Accidents to be reported.*

- Who to make reports.** SECTION 1. The person in charge of any factory, workshop or other industrial establishment shall report in writing to the commissioner of labor all deaths, accidents, or serious physical injuries sustained by any person therein or on the premises, within ten days after the time of the accident, death or injury, stating as fully as possible the cause of the death or the extent and cause of the injury, and the place where the injured person has been sent, with such other or further information relative thereto as may be required by said commissioner, who may investigate the causes thereof and require such precautions to be taken as will prevent the recurrence of similar happenings. No statement contained in any such report shall be admissible in evidence in any action arising out of the death or accident therein reported.
- Definition.** SEC. 2. The term "serious physical injuries," as used in this act, shall be construed to mean every accident which results in the death of the employe or causes his absence from work for at least six days thereafter.
- Violations.** SEC. 3. Any person in charge of properties as described in section one of this act, where accidents shall have occurred, who shall fail or refuse to send such notices and statements and otherwise comply with the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars.
- Approved March 28, 1911.

CHAPTER 113.—*Employment of children—School attendance.*

- Enforcement.** [This chapter amends section 51, chapter 15, Revised Statutes, as amended by chapter 233, Acts of 1909, by directing cases of improper employment of children to be reported by the truant officers to the commissioner of labor, instead of to the inspector of factories, workshops, mines, and quarries.]
- Approved March 28, 1911.

CHAPTER 118.—*Employment of children—Certificates.*

- Effect of certificates.** [This chapter amends chapter 257, Acts of 1909, by inserting a provision to the effect that age and schooling certificates shall exempt the holder from school attendance.]
- Approved March 28, 1911.

CHAPTER 143.—*Employment of women and children.*

SECTION 1. Chapter forty of the Revised Statutes, as amended by chapter forty-six of the Public Laws of Nineteen Hundred and Seven, and chapters seventy and two hundred and fifty-seven of the Public Laws of Nineteen Hundred and Nine, relating to the employment of women and children is hereby amended by striking out the words, "inspector of factories, workshops, mines and quarries," where these words occur, and substituting therefor the words "commissioner of labor."

Commissioner of labor is chief inspector.

Approved March 29, 1911.

CHAPTER 175.—*Exemption of wages.*

SECTION 1. Subsection six of section fifty-six [fifty-five] of chapter eighty-eight of the Revised Statutes as amended by section one of chapter two hundred and fifty-six of the Public Laws of Nineteen Hundred and Nine \* \* \* is hereby further amended \* \* \* so that said subsection as amended shall read as follows:

VI. By reason of any amount due from him to the principal defendant, as wages for his personal labor, or that of his wife or minor children, for a time not exceeding one month next preceding the service of the process, and not exceeding twenty dollars of the amount due to him as wages for his personal labor; and ten dollars shall be exempt in all cases; moreover, wages of minor children and of women, are not, in any case, subject to trustee process on account of any debt of parent or husband; if after wages for personal labor or services have been attached and before entry of the writ, the defendant tenders to the plaintiff or to his attorney the whole amount due and recoverable in the action and the fees of the officer for serving the writ, the plaintiff shall recover no costs, except the fees of the officer; and if the defendant is defaulted without an appearance or if he files an offer of judgment on the return day of the writ, and the plaintiff accepts such offer or fails to secure more than the amount thereof and of the interest thereon from its date, the plaintiff shall recover no costs, except the entry fee and the officers' fees.

What wages exempt.

Approved March 30, 1911.

MASSACHUSETTS.

ACTS OF 1911.

CHAPTER 151.—*Holiday labor.*

SECTION 1. No employee shall be required to work in any mill or factory on any legal holiday, except to perform such work as is both absolutely necessary and can lawfully be performed on the Lord's Day.

Labor forbidden.

Sec. 2. Whoever violates the provisions of this act shall be punished by a fine not exceeding five hundred dollars.

Penalty.

Approved March 17, 1911.

CHAPTER 153.—*Free public employment offices—Distribution of Immigrants.*

SECTION 1. Section three of chapter five hundred and fourteen of the Acts of the year nineteen hundred and nine is hereby amended \* \* \* so as to read as follows:

Section 3. The superintendents of said employment offices shall receive applications from those seeking employment and from those desiring to employ, and shall register them in such manner as may be prescribed by the director of said bureau, and shall take such other action as the director may deem best to promote the purposes of said offices. Said superintendent shall also re-

Applications.

**Aliens.** ceive applications from alien immigrants seeking employment in agricultural labor and from those desiring to employ immigrants in agricultural labor, and shall take such other action as the director may deem best to promote a more general distribution of alien immigrants throughout the agricultural sections of the Commonwealth.

Approved March 17, 1911.

**CHAPTER 208.—*Payment of wages by express companies—Weekly pay day.***

**All companies included.** [This chapter amends section 112 of chapter 514, Acts of 1909, by making it apply to all express companies, instead of to incorporated companies only.]

Approved March 28, 1911.

**CHAPTER 229.—*Employment of women before and after childbirth.***

**Employment forbidden when.** **SECTION 1.** No woman shall knowingly be employed in laboring in a mercantile, manufacturing or mechanical establishment within two weeks before or four weeks after childbirth.

**Law to be posted.** **SEC. 2.** The foregoing section shall be included in the notice with regard to the employment of women now required to be posted in mercantile, manufacturing and mechanical establishments, and the provisions thereof shall be enforced by the district police.

**Violations.** **SEC. 3.** Violations of section one of this act shall be punished by a fine of not exceeding one hundred dollars.

**Law in effect when.** **SEC. 4.** This act shall take effect on the first day of January, nineteen hundred and twelve.

Approved March 31, 1911.

**CHAPTER 241.—*Employment of children—Illiterates.***

**Persons under 21.** [This chapter amends section 17 of chapter 514, Acts of 1909, by modifying the definition of the words "child" and "minor" as used in that act so that the word "minor" as used in reference to the compulsory attendance of illiterates on evening schools shall include all such persons under 21 years of age.]

Approved April 6, 1911.

**CHAPTER 249.—*Payment of wages—Wages to be paid before close of work day.***

**Pay during work time.** **SECTION 1.** Manufacturing corporations and contractors, persons or partnerships engaged in any manufacturing business wherein one hundred employees or more are employed shall, on the day chosen as pay day, pay such of their employees as are on that day working in the manufacturing establishment, before the close of the regular working hours.

**Violations.** **SEC. 2.** Whoever violates the provisions of this act shall be punished by a fine of not more than fifty dollars.

Approved April 6, 1911.

**CHAPTER 269.—*Employment of children—Certificates.***

**Requirements.** [This chapter amends section 58 of chapter 514, Acts of 1909, by adding the requirement that the age and schooling certificate shall certify that the holder is able to read and write so as to meet the requirements for admission to the fourth grade of the local public schools.]

Approved April 10, 1911.

CHAPTER 281.—*Factory regulations—Use of suction shuttles.*

SECTION 1. It shall be unlawful for any proprietor of a factory or any officer or agent or other person to require or permit the use of suction shuttles, or any form of shuttle in the use of which any part of the shuttle or any thread is put in the mouth or touched by the lips of the operator. It shall be the duty of the State board of health to enforce the provisions of this act. Use forbidden.

SEC. 2. Violations of this act shall be punished by a fine of not less than fifty dollars for each offense. Violations.

SEC. 3. This act shall take effect on the first Monday of May in the year nineteen hundred and twelve; but if the proprietor or manager of a factory shall, in good faith, show to the State board of health sufficient reasons for its inability to comply with the provisions hereof at the time when this act is to take effect, the said board may, in its discretion, grant a reasonable extension of time within which the said factory shall comply with the provisions hereof. Law in effect, when.

Approved April 13, 1911.

CHAPTER 310.—*Employment of children—Illiterates.*

SECTION 1. No illiterate minor between the age of sixteen and twenty-one years shall be employed in a factory, workshop, mechanical or mercantile establishment unless his employer procures and keeps on file, accessible to the truant officers of the city or town and to the district police and inspectors of factories and public buildings, a certificate showing that such minor is sixteen years of age or over. Said certificate shall give the place and date of birth of such minor and his personal description. The printed form of the certificate shall be provided by the chief of the district police and shall be approved by the attorney general. Age limit.

SEC. 2. This act shall take effect upon its passage.

Approved April 20, 1911.

CHAPTER 313.—*Employment of women and children—Garment-workers in mercantile establishments.*

SECTION 1. The provisions of section forty-seven of chapter five hundred and fourteen of the Acts of the Year Nineteen Hundred and Nine, relative to the employment of children and women in mercantile establishments, shall also apply to children and women employed in a workshop for the making, altering or repairing of garments: *Provided*, That the workshop is connected with a mercantile establishment where the said garments are sold at retail, and is owned and operated by the proprietor of such mercantile establishment: *And provided, also*, That such children and women shall not be employed more than fifty-six hours in any one week. The provisions of section forty-eight of the said chapter shall not apply to children and women employed as aforesaid. Scope of law extended.

Approved April 20, 1911.

CHAPTER 338.—*Retirement systems for employces of cities and towns.*

[This chapter amends several sections of chapter 619, Acts of 1910. Section 1 is amended by inserting a definition of the term "employees," as used in the act, the word being held to mean "only regular and permanent employces whose only or principal employment is in the service of the city or town." Definition.

Section 2 is amended so as to make the vote of acceptance or rejection apply to the act in its amended form, instead of to the form in which it was originally enacted.

Section 3 is amended so as to read as follows:]

Section 3. Whenever a city or town shall have voted to establish a retirement system under the provisions of section two, a retirement association shall be organized as follows: Organization of system.

(1) All employees of the city or town, on the date when the retirement system is declared established by the issue of the

certificate, as provided in section two, may become members of the association. On the expiration of thirty days from said date every such employee shall be considered to have elected to become, and shall thereby become, a member, unless he shall have, within that period, sent notice in writing to the local election commissioners or the officers corresponding thereto that he does not wish to join the association.

**Who are members.** (2) All employees who enter the service of the city or town after the date when the retirement system is declared established by the issue of the certificate, as provided in section two, except persons who have passed the age of fifty-five years, shall upon completing thirty days of service become thereby members of the association. Persons over fifty-five years of age who enter the service of the city or town after the establishment of the retirement system shall not be allowed to become members of the association, and no such employee shall remain in the service of the city or town after reaching the age of seventy years.

(3) No officer elected by popular vote may become a member of the association, nor any employee who is or will be entitled to a pension from the city or town for any reason other than membership in the association.

**Retirement.** (4) Any member who reaches the age of sixty years and who has been in the continuous service of the city or town for a period of fifteen years immediately preceding may retire or may be retired by the board of retirement, upon recommendation of the head of the department in which the member is employed, and any member who reaches the age of seventy must be retired, irrespective of such recommendation.

(5) Any member who has completed a period of thirty-five years of continuous service may retire, or may be retired at any age by the board of retirement upon recommendation of the head of the department in which the member is employed if such action be deemed advisable for the good of the service.

[Section 4 is amended so as to allow 60 days for the choice of the second member of the board of retirement, instead of but 30; by requiring that the acts of the board contemplated in paragraphs (2) and (4) shall be subject to the approval of the city council or the board of selectmen; by requiring that deductions from wages or salaries for dues to the fund, credited to the retirement fund under the provisions of paragraph (3) of section 5, shall be reported as deposit reserve (see section 4, paragraph (6) A); and defining the annuity surplus mentioned in paragraph (6) G simply as "the undistributed surplus arising from annuity deposits."

**Funds raised, how.** Sections 5 and 6 are amended so as to read as follows:]

Sec. 5. The funds of the retirement system shall be raised as follows:

(1) EXPENSE AND CONTINGENT FUND.

The city or town shall appropriate annually such an amount as may be necessary to defray the whole expense of administration, according to estimate prepared by the treasurer.

(2) ANNUITY AND PENSION FUND.

**A. Deposits by members.**—Each member shall deposit in this fund from his wages or salary, as often as the same are payable, not less than one per cent and not more than five per cent of the amount of his wages or salary as determined by the board of retirement under the provisions of section four (5): *Provided, however,* That employees who receive more than thirty dollars weekly in wages or salary shall not be assessed for contribution to this fund on the excess above that amount.

**B. Contributions by the city or town.**—(a) Every month the city or town shall contribute such amount as the board of retirement may determine to be necessary to pay current pensions for subsequent services, under section six, (2) C (a).

(b) Every year, in February, in case the actual annuity deposits shall be less than the amount of the annuity reserve, the city or town shall make good such deficiency.

(c) Every month the city or town shall contribute such amount as the board of retirement may determine to be necessary to pay current pensions for prior service under section six, (2) C (b).

(d) Every month the city or town shall contribute such amount as the board of retirement may determine to be necessary to ensure the minimum payments provided for in section six, E.

(e) The city or town shall appropriate annually such an amount as may be necessary to defray the contributions to be made by it under paragraph (2) B (a), (b), (c) and (d) of this section, according to estimates prepared by the treasurer.

### (3) PROVISIONS FOR PAYMENTS.

All amounts payable by members of the association under paragraph (2) A of this section shall be deducted by the city or town from the amounts payable to them as wages or salary, as often as the same are payable, and shall be credited immediately to the retirement fund by the city or town treasurer.

Payments.

SEC. 6. The city or town treasurer shall administer the funds of the retirement system in accordance with the following plan:

Funds administered, how.

#### (1) EXPENSE AND CONTINGENT FUND.

The fund provided for under section five, (1), shall be used, so far as may be necessary, for the payment of the expenses of administration. The portions not so used, if any, shall be repaid into the city or town treasury. In case the amount appropriated for the expense and contingent fund in any year should prove insufficient, the city or town shall appropriate in the following year such additional sum as may be required to cover the deficit.

#### (2) ANNUITY AND PENSION FUNDS.

*A. Refunds.*—(a) Should a member of the association cease to be an employee of the city or town for any cause other than death before becoming entitled to a pension, there shall be refunded to him all the money that has been paid in by him under section five, (2) A, with regular interest.

(b) Should a member of the association die before becoming entitled to a pension, there shall be paid to his legal representatives all the money that has been paid in by him under section five, (2) A, with such interest as shall have been earned on such deposits.

*B. Annuities from employees' deposits.*—Every member who reaches the age of sixty years and has been in the continuous service of the city or town for fifteen years immediately preceding, and then or thereafter retires or is retired, every member who retires or is retired at the age of seventy years, and every member who is retired for the good of the service under the provisions of section three, (5), shall receive an annuity to which the sum of his deposits under section five, (2), with regular interest, shall entitle him, according to the tables adopted by the board of retirement, in one of the following forms:

Annuities.

(a) A life annuity, payable monthly.

(b) A life annuity, payable monthly, with the provision that in the event of the death of the annuitant before receiving payment equal to the sum at the date of his retirement of his deposits under section five, (2) A, with regular interest, the difference shall be paid to his legal representatives.

*C. Pensions derived from contributions by the city or town.*—(a) Pensions based upon subsequent service. Any member entitled to an annuity under paragraph (2) B, of this section, shall receive in addition thereto a pension for life payable monthly

Pensions.

equivalent to that annuity, to be paid out of the fund contributed by the city or town under the provisions of section five, (2) B (a).

(b) *Pensions based upon prior service.*—Any member of the association who reaches the age of sixty years, having been in the continuous service of the city or town for fifteen years or more immediately preceding, and then or thereafter retires or is retired, shall receive in addition to the annuity and pension provided for by paragraphs (2) B and C (a) of this section, an extra pension for life as large as the amount of the annuity to which he might have acquired a claim if the retirement system had been in operation at the beginning of such period of continuous service, and if accordingly he had paid regular contributions from that date to the date of the establishment of the retirement association, at the same rate as that first adopted by the board of retirement, and if such deductions had been accumulated with regular interest.

Any employee who had already reached the age of fifty-five years on the date when the retirement system was established, and also became a member of the association, may be retired under the provisions of the preceding paragraph without having completed the otherwise required service period of fifteen years.

For the purpose of computing any pension payable for prior service, the board of retirement may estimate on a basis determined by them the wages received at any period for which they may deem it impracticable to consult the original records.

Any employee not a member of the association who had already reached the age of fifty-five years on the date when the retirement system was established, may be retired at any time and shall be paid a pension equivalent to the minimum payment herein provided for.

**Surplus.**

*D. Application of surplus.*—The board of retirement shall have power to determine the application of any surplus, as defined under section four, (6) G, subject to the approval of the insurance commissioner.

*E. Minimum and maximum payments.*—In no case shall the total monthly payment to a member be at a rate less than two hundred dollars per year, or at a rate more than one half the amount of the average wages or salary received by the member during the ten years prior to his retirement.

*F. Association membership and pension certificate.*—Membership in the association shall be evidenced by a certificate to be issued to each member by the board of retirement, and the right to an annuity or a pension shall be evidenced by a policy to be issued to each member who retires or is retired by the board of retirement.

[A new section is added to the original law, as follows:]

**Amendments.**

Sec. 11. This act may be altered or amended from time to time, and all such alterations and amendments shall, upon their passage, become binding upon cities and towns which have previously accepted this act, and all contractual rights entered into by and between any city or town and the employees thereof under the provisions of this act shall be deemed to have been entered into subject to being subsequently affected by such alterations or amendments: *Provided, however,* That no such alteration or amendment shall affect the rights of employees given by section six, (2) A, of this act with reference to deposits previously made.

In effect April 22, 1911.

**CHAPTER 345.—Safety appliances on street railways.**

SECTION 1. Section ninety of Part III of chapter four hundred and sixty-three of the Acts of the year nineteen hundred and six is hereby amended \* \* \* so as to read as follows:

**Equipment  
required.**

Section 90. A street railway company shall equip its cars, when in use, with such headlights, fenders, wheel guards, brakes and

emergency tools as may be required by the board of railroad commissioners, and said board may modify its requirements.

Approved April 27, 1911.

CHAPTER 431.—*Labor organizations—Fines on members.*

SECTION 1. No fine or notice of intention to impose a fine by any union or any other association, incorporated or unincorporated, or by any authorized representative thereof, upon any member thereof, according to the rules thereof to which such member has agreed to conform, shall be held to be unlawful or coercive as to such member or as to any other person: *Provided*, That such fine is reasonable in amount and is for a purpose which is legal.

Fines legal.

Proviso.

Approved May 13, 1911.

CHAPTER 455.—*Factory regulations—Inspection of elevators.*

[This chapter amends section 128 of chapter 104 of the Revised Laws, by giving local building inspectors in cities and towns equal authority with the State inspector in prohibiting the use of elevators found dangerous.]

Who may inspect.

Approved May 18, 1911.

CHAPTER 484.—*Employment of women and children—Hours of labor.*

SECTION 1. Section forty-eight of chapter five hundred and fourteen of the Acts of the year nineteen hundred and nine is hereby amended by striking out the whole of said section and substituting in place thereof the following:

Section 48. No child under eighteen years of age and no woman shall be employed in laboring in a manufacturing or mechanical establishment more than ten hours in any one day, except as hereinafter provided in this section, unless a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed fifty-four in a week, except that in any such establishment where the employment is by seasons, the number of such hours in any week may exceed fifty-four, but not fifty eight. *Provided*, That the total number of such hours in any year shall not exceed an average of fifty-four hours a week for the whole year, excluding Sundays and holidays. Every employer shall post in a conspicuous place in every room in which such persons are employed a printed notice stating the number of hours' work required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time allowed for meals begins and ends or, in the case of establishments exempted from the provisions of sections thirty-six and thirty-seven, the time, if any, allowed for meals. The printed forms of such notices shall be provided by the chief of the district police, after approval by the attorney general. The employment of such person at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost on a previous day of the same week in consequence of the stopping of machinery upon which he was employed or dependent for employment; but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment, nor shall such overtime employment be authorized until a written report of the day and hour of its occurrence and its duration is sent to the chief of the district police or to an inspector of factories and public buildings.

Ten-hour day.

Weekly limit.

Schedule to be posted.

Stoppage of machinery.

SEC. 2. This act shall take effect on the first day of January in the year nineteen hundred and twelve.

Approved May 27, 1911.

CHAPTER 494.—*Hours of labor on public works—Eight-hour day.*

Eight-hour day.

SECTION 1. The service of all laborers, workmen and mechanics, now or hereafter employed by the Commonwealth or by any county therein or by any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, or of section forty-two of chapter five hundred and fourteen of the Acts of the year nineteen hundred and nine, or by any contractor or subcontractor for or upon any public works of the Commonwealth or of any county therein or of any such city or town, is hereby restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the Commonwealth or of any county therein, or of any such city or town, or for any such contractor or subcontractor or other person whose duty it shall be to employ, direct or control the service of such laborers, workmen or mechanics to require or permit any such laborer, workman or mechanic to work more than eight hours in any one calendar day, except in cases of extraordinary emergency.

Emergencies.

Danger to property, life, public safety or public health only shall be considered cases of extraordinary emergency within the meaning of this section. In cases where a Saturday half holiday is given the hours of labor upon the other working days of the week may be increased sufficiently to make a total of forty-eight hours for the week's work. Threat of loss of employment or to obstruct or prevent the obtaining of employment or to refrain from employing in the future, shall each be considered to be "requiring" within the meaning of this section. Engineers shall be regarded as mechanics within the meaning of this act.

Contracts.

SEC. 2. Every contract, excluding contracts for the purchase of material or supplies, to which the Commonwealth or any county therein or any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, is a party which may involve the employment of laborers, workmen or mechanics shall contain a stipulation that no laborer, workman or mechanic working within this Commonwealth, in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contractor shall be requested or required to work more than eight hours in any one calendar day, and every such contract which does not contain this stipulation shall be null and void.

Violations.

SEC. 3. Any agent or official of the Commonwealth or of any county therein or of any city or town or any contractor or subcontractor or any agent or person acting on behalf of any contractor or subcontractor who violates any provision of this act shall be punished by a fine not exceeding one thousand dollars or by imprisonment for six months or both such fine and imprisonment for each offense.

Exceptions.

SEC. 4. This act shall not apply to the preparation, printing, shipment and delivery of ballots to be used at a caucus, primary, State, city or town election, nor during the sessions of the general court to persons employed in legislative printing or binding; nor shall it apply at any time to persons employed in any State, county or municipal institution, on a farm, or in the care of the grounds, in the stable, in the domestic or kitchen and dining-room service or in store rooms or offices.

Approved May 27, 1911.

CHAPTER 532.—*Retirement system for employees of the State.*

Definitions.

SECTION 1. In this act, unless the context otherwise requires:—  
(a) The words "retirement system" mean the arrangements provided in this act for the payment of pensions.

(b) The word "annuities" means the payments for life derived from money contributed by the employees.

(c) The word "employee" means any person on the pay roll of the Commonwealth, whether employed in the direct service of

the Commonwealth or in the metropolitan district service, who regularly gives his whole time to that service.

(d) The word "pensions" means the payments for life derived from money contributed by the Commonwealth.

(e) The words "regular interest" mean interest at three per cent per annum compounded semiannually on the last days of December and June, and reckoned for full three and six months' periods only.

(f) The words "continuous service" mean uninterrupted employment, with these exceptions: a lay-off on account of illness or reduction of force, and a leave of absence, suspension or dismissal followed by reinstatement within one year. As to appointees of the sergeant at arms the interval between sessions of the general court shall not be considered as breaking the continuity of service.

SEC. 2. The retirement system shall be established on the first day of January or the first day of July following the expiration of three months after the date on which this act takes effect. Law in effect, when.

SEC. 3. A retirement association shall be organized among the employees of the Commonwealth, including employees in the metropolitan district service, as follows:

(1) All employees of the Commonwealth, on the date when the retirement system is established, may become members of the association. On the expiration of thirty days from said date every such employee shall be considered to have elected to become, and shall thereby become, a member, unless he shall have within that period, sent notice in writing to the State insurance commissioner that he does not wish to join the association. Who are members.

(2) All employees who enter the service of the Commonwealth after the date when the retirement system is established, except persons who have already passed the age of fifty-five years, shall upon completing thirty days of service become thereby members of the association. Persons over fifty-five years of age who enter the service of the Commonwealth after the establishment of the retirement system shall not be allowed to become members of the association, and no such employee shall remain in the service of the Commonwealth after reaching the age of seventy years.

(3) No officer elected by popular vote may become a member of the association, nor any employee who is or will be entitled to a pension from the Commonwealth for any reason other than membership in the association.

(4) Any member who reaches the age of sixty years and has been in the continuous service of the Commonwealth for a period of fifteen years immediately preceding may retire or be retired by the board of retirement upon recommendation of the head of the department in which he is employed, and any member who reaches the age of seventy must so retire. Retirement.

(5) Any member who has completed a period of thirty-five years of continuous service may retire, or may be retired at any age by the board of retirement upon recommendation of the head of the department in which he is employed, if such action be deemed advisable for the good of the service.

SEC. 4. (1) The management of the retirement system is hereby vested in the board of retirement, consisting of three members, one of whom shall be the State treasurer; the second member shall be a member of the association elected by the latter within sixty days after the date on which the retirement system is established, in a manner to be determined by the State insurance commissioner; the third member shall be chosen by the other two members. In case of the failure of the latter to choose the third member within thirty days after the election of the second member, the governor shall appoint the third member. The first person so chosen or appointed as third member shall serve for two years; otherwise and thereafter the term of office of the two elected members shall be three years. On a vacancy occurring in the board for any cause or on the expiration of the term of office Board of retirement.

of any member, a successor of the person whose place has become vacant or whose term has expired shall be chosen in the same manner as his predecessor.

(2) The members of the board of retirement shall serve without compensation; but they shall be reimbursed out of the contingent fund for any expense or loss of salary or wages which they may incur through service on the board. All claims for reimbursement on this account shall be subject to the approval of the governor and council.

**Control of funds.** (3) The State treasurer shall have charge and control of the funds of the system, subject to the approval of the board of retirement, and shall invest and reinvest the same, and may from time to time sell any securities held by him and invest and reinvest the proceeds, and any and all unappropriated income of said funds: *Provided, however,* That all funds received by him, and not required for current disbursements, shall be invested in accordance with the provisions of the laws of this Commonwealth relating to the investment of the funds of savings banks. He shall in the investment of the funds give preference to the securities of the Commonwealth. He may, whenever he sells such securities, deliver the securities so sold upon receiving the proceeds thereof, and may execute any and all documents necessary to transfer the title thereto.

**By-laws.** (4) The board of retirement shall have power to make by-laws and regulations not inconsistent with the provisions of this act, and to employ such clerical or other assistance as may be necessary for the fulfillment of its purposes, subject to the approval of the governor and council.

**Contributions.** (5) The board shall determine the percentage of wages or salary that employees shall contribute to the pension fund, subject to the minimum and maximum percentages, and shall, furthermore, have the power to classify employees for the purposes of the retirement system and to establish different rates of contribution for different classes within the prescribed limits.

**Reports.** (6) The State treasurer shall, in January of each year, unless for cause the insurance commissioner shall have granted an extension of time, file in the office of the insurance commissioner a sworn statement, which shall exhibit the financial condition of the retirement system on the thirty-first day of the preceding December, and its financial transactions for the year ending with said day. The said statement shall be in a form approved by the insurance commissioner, and shall show, among other things, the liability of the retirement system on account of the following items:

#### A. DEPOSIT RESERVES.

The total of the deposits of the members actually received by the treasurer or due from the Commonwealth under section five, (2) A, and held subject to withdrawal by such members.

#### B. INTEREST RESERVE.

Regular interest on such deposits.

#### C. ANNUITY RESERVE.

The net value of the annuities entered upon under section six, (2) B, on the basis of the mortality tables and interest rates provided for this in this act.

#### D. EXPENSE AND CONTINGENT FUND.

(a) The unexpended portion of the amounts received under section five, (1).

(b) The contingent fund.

*E. GIFTS AND BEQUESTS.*

The amounts received as gifts or bequests and held under the terms of such gifts or bequests.

*F. OTHER LIABILITIES.*

All other liabilities.

*G. SURPLUS.*

(a) *Annuity Surplus.*—The undistributed surplus arising from annuity deposits.

(b) *Other Surplus.*—All unassigned funds.

SEC. 5. The funds of the retirement system shall be raised as follows: Funds raised, how.

## (1) EXPENSE AND CONTINGENT FUND.

The general court shall appropriate annually such an amount as may be necessary to defray the whole expense of administration, according to estimates prepared by the treasurer.

## (2) ANNUITY AND PENSION FUND.

*A. Deposits by Members.*—Each member shall deposit in this fund from his salary or wages, as often as the same are payable, not less than one per cent and not more than five per cent of the amount of his wages or salary, as determined by the board of retirement under the provisions of section four (5): *Provided, however,* That employees who receive more than thirty dollars weekly in salary or wages shall not be assessed for contribution to this fund on the excess above that amount.

*B. Contributions of the Commonwealth.*—(a) Each month the Commonwealth shall contribute such amount as the board of retirement may determine to be necessary to pay current pensions for subsequent service, under section six (2) *C* (a).

(b) Each year, in January, the Commonwealth shall contribute an amount equal to the surplus arising from annuity deposits. In case there should be a deficiency arising from such annuity deposits, instead of a surplus, then the Commonwealth shall make good the deficiency.

(c) Each month the Commonwealth shall contribute such amount as the board of retirement may determine to be necessary to pay current pensions for prior service under section six (2) *C* (b).

(d) Each month the Commonwealth shall contribute such amount as the board of retirement may determine to be necessary to ensure the minimum payments provided for in section six, *E*.

## (3) PROVISION FOR PAYMENTS.

All amounts payable by members of the association under paragraph (2) *A* of this section shall be deducted by the Commonwealth from the amounts payable to them as salary or wages, as often as the same are payable, and shall immediately be credited to the retirement fund by the State treasurer. Collection.

SEC. 6. The State treasurer shall administer the funds of the pension system in accordance with the following plan: Funds administered, how.

## (1) EXPENSE AND CONTINGENT FUND.

The fund provided for by section five, (1), shall be used, so far as may be necessary, for the payment of the expenses of administration. The portions not so used, if any, shall be repaid into the treasury of the Commonwealth. In case the amount appropriated for the expense of a contingent fund in any year

should prove insufficient, the Commonwealth shall appropriate in the following year such additional sum as may be required to cover the deficit.

(2) ANNUITY AND PENSION FUNDS.

Refunds.

*A. Refunds.*—(a) Should a member of the association cease to be an employee of the Commonwealth for any cause other than death before becoming entitled to a pension, there shall be refunded to him all the money paid in by him under section five, (2) A, with regular interest.

(b) Should a member of the association die before becoming entitled to a pension, there shall be paid to his legal representatives all the money paid in by him under section five, (2) A, with such interest as shall have been earned on such deposits.

Annuities.

*B. Annuities from employees' deposits.*—Any member who reaches the age of sixty years and has been in the continuous service of the Commonwealth for fifteen years immediately preceding, and then or thereafter retires or is retired, any member who retires or is retired at the age of seventy years, and any member who is retired for the good of the service under the provisions of section three, (5), shall receive an annuity to which the sum of his deposits under section five, (2), with regular interest, shall entitle him, according to the tables adopted by the board of retirement, in one of the following forms:

(a) A life annuity, payable monthly.

(b) A life annuity, payable monthly, with the provision that in the event of the death of the annuitant before receiving payments equal to the sum, at the date of his retirement, of his deposits under section five, (2) A, with regular interest, the difference shall be paid to his legal representatives.

Pensions.

*C. Pensions derived from contributions by the Commonwealth.*—

(a) Pensions based upon subsequent service. Any member entitled to an annuity under paragraph (2) B of this section shall receive in addition thereto a pension for life payable monthly equivalent to that annuity, to be paid out of the fund contributed by the Commonwealth under the provisions of section five, (2) B (a).

(b) *Pensions based upon prior service.*—Any member of the association who reaches the age of sixty years, having been in the continuous service of the Commonwealth for fifteen years or more immediately preceding, and then or thereafter retires or is retired, shall receive in addition to the annuity and pension provided for by paragraphs (2) B and C (a) of this section, an extra pension for life as large as the amount of the annuity to which he might have acquired a claim if the retirement system had been in operation at the time when he entered the service of the Commonwealth, and if accordingly he had paid regular contributions from that date to the date of the establishment of the retirement association at the same rate as that first adopted by the board of retirement, and if such deductions had been accumulated with regular interest.

Any employee who had already reached the age of fifty-five years on the date when the retirement system was established, and also became a member of the association may be retired under the provisions of the preceding paragraph without having completed the otherwise required service period of fifteen years. For the purpose of computing any pension payable for prior service, the board of retirement may estimate on the basis determined by them the wages received at any period for which they may deem it impracticable to consult the original records.

Any employee not a member of the association who had already reached the age of fifty-five years on the date when the retirement system was established may be retired at any time and shall be paid a pension equivalent to the minimum payment hereinafter provided for.

*D. Application of surplus.*—The board of retirement shall have power to determine the application of any surplus, as defined under section four (6) *G*, subject to the approval of the insurance commissioner.

*E. Minimum and maximum payments.*—In no case shall the total monthly payment to a member be at a rate less than two hundred dollars per year, or at a rate more than one half the amount of the average salary or wages received by the member during the ten years prior to his retirement.

Payments.

*F. Association membership and pension certificate.*—Membership in the association shall be evidenced by a certificate to be issued to each member by the board of retirement, and the right to an annuity or a pension shall be evidenced by a policy to be issued to each member who retires or is retired by the board of retirement.

SEC. 7. The funds of the retirement system, so far as they are invested in personal property, shall be exempt from taxation.

Exemptions of funds.

That portion of the wages of a member deducted or to be deducted under this act, the right of a member to an annuity or pension, and all his rights in the funds of the retirement system shall be exempt from taxation, and from the operation of any law relating to bankruptcy or insolvency, and shall not be attached or taken upon execution or other process of any court. No assignment of any right in or to said funds shall be valid.

SEC. 8. The insurance commissioner shall prescribe for the retirement system of the Commonwealth one or more mortality tables, and shall determine what rates of interest shall be established in connection with such tables, and may later modify such tables or prescribe other tables to represent more accurately the expense of the retirement system, or may change said rates of interest and may determine the application of the changes so made. He shall also prescribe and supervise the methods of bookkeeping of the retirement association formed under the provisions of this act.

Duty of insurance commissioner.

The insurance commissioner shall at least once in each year, either personally or by deputy or assistant, thoroughly inspect and examine the affairs of the retirement association to ascertain its financial condition, its ability to fulfill its obligations, whether all parties in interest have complied with the provisions of law applicable to the retirement association, and whether the transactions of the board of retirement have been in accordance with the rights and equities of those in interest. The retirement system shall be credited, in the account of its financial condition, with the amounts due from the Commonwealth, under the provisions of section five, (2) *B (a)*, its investments having fixed maturities upon which the interest is not in default at amortized values, and its other investments at a reasonable valuation.

For the purposes aforesaid, the insurance commissioner or other persons making examination shall have access to all the securities, books and papers of the retirement system, and may summon and administer oaths and examine as witnesses the members of the board of retirement or any other person relative to the financial affairs, transactions and condition of the retirement system. The insurance commissioner shall preserve in a permanent form a full record of the proceedings at such examination, and the results thereof. Upon the completion of such examination, verification and valuation, the insurance commissioner shall make a report in writing of his findings to the board of retirement, and shall send a copy thereof to the governor and the executive council of the Commonwealth.

SEC. 9. If, in the judgment of the insurance commissioner, the Commonwealth or the board of retirement has violated or neglected to comply with any of the provisions of this act, or of the rules and regulations established by the board of retirement hereunder, he shall give notice thereof to the governor of the Commonwealth and to the board of retirement, and thereafter if such

Violations to be reported.

violation or neglect continues shall forthwith present the facts to the attorney general for his action.

**Jurisdiction of court.** SEC. 10. The superior court shall have jurisdiction in equity upon petition of the insurance commissioner or of any interested party to compel the observance and restrain the violation of this act, and of the rules and regulations established by the board of retirement hereunder.

Approved June 7, 1911.

**CHAPTER 539.—Railroads—Qualifications of engineers and conductors.**

**Experience required.** **Engineers.** SECTION 1. No person shall act as a locomotive engineer unless he shall have been employed two years as a locomotive fireman or as an engineer's helper, or, prior to the passage of this act, shall have been employed as a locomotive engineer.

**Conductors.** SEC. 2. No person shall act as a conductor on a railroad train unless he shall have been employed as a brakeman for two years, or, prior to the passage of this act, shall have been employed as a conductor on a railroad train.

**What employment forbidden.** SEC. 3. No person shall knowingly engage, promote, require, persuade, prevail upon, or cause any person to act in violation of either of the preceding sections.

**Construction of statute.** SEC. 4. Nothing in this act shall be construed as applying to the operating of locomotive engines by engine hostlers in or around engine houses. In the event of the disability of an engineer or conductor on the road, railroad companies may employ persons without the qualifications prescribed by this act, but only for the purpose of reaching a terminal station.

**Violations.** SEC. 5. Any violation of the provisions of this act shall be punished by imprisonment for not more than one year, or by a fine of not more than five hundred dollars, or by both such imprisonment and fine, and each day's violation shall constitute a separate offense.

**Scope of law.** SEC. 7. This act shall apply to standard gauge railroads only.  
Approved June 10, 1911.

**CHAPTER 541.—Rates of wages of certain employees on public works.**

**Minimum rate.** SECTION 1. The wages paid by the metropolitan park commission and by the metropolitan water and sewerage board to laborers directly employed by them shall be not less than two dollars and twenty-five cents a day.

In effect June 12, 1911.

**CHAPTER 562.—Examination and licensing of stationary engineers and firemen.**

[This chapter amends several sections of chapter 102, Revised Laws.

**Law applies, where.** Section 78 is amended so as to allow boilers of less than nine horsepower to be operated by unlicensed persons, instead of less than eight horsepower.

**Unlicensed assistants.** Section 80 is amended by defining the person operating an engine or boiler as one in charge thereof or of its appurtenances, under the direction of a licensed person, and providing that not more than one unlicensed person can work with a licensed person.

Sections 81 and 84 are amended so as to read as follows:]

**Application for license.** Section 81. Whoever desires to act as engineer or fireman shall apply for a license therefor to the State inspector of boilers for the city or town in which he resides or is employed, upon blanks to be furnished by the boiler inspection department of the district police. The application shall be accompanied by a fee of one dollar,

**Qualifications.** and shall show the total experience of the applicant. To be eligible for examination for a first class fireman's license, a per-

son must have been employed as a steam engineer or fireman in charge of or operating boilers for not less than one year, or he must have held and used a second class fireman's license for not less than six months. To be eligible for examination for a third class engineer's license, a person must have been employed as a steam engineer or fireman in charge of or operating boilers for not less than one and one half years, or he must have held and used a first class fireman's license for not less than one year. To be eligible for examination for a second class engineer's license, a person must have been employed as a steam engineer in charge of a steam plant or plants having at least one engine of over fifty horse power for not less than two years, or he must have held and used a third class engineer's license for not less than one year, or have held and used a special license to operate a first class plant for not less than two years; except that any person who has served three years as apprentice to the machinist or boiler making trade in stationary, marine or locomotive engine or boiler works, and who has been employed for one year in connection with the operation of a steam plant, or any person graduated as a mechanical engineer from a duly recognized school of technology, who has been employed for one year in connection with the operation of a steam plant, shall be eligible for examination for a second class engineer's license. To be eligible for examination for a first class engineer's license, a person must have been employed for not less than three years as a steam engineer in charge of a steam plant or plants having at least one engine of over one hundred and fifty horse power, or he must have held and used a second class engineer's license in a second class or first class plant for not less than one and one half years. The applicant shall make oath to the statements contained in his application, and the members of the boiler inspection department of the district police are hereby authorized to administer the oath. Willful falsification in the matter of a statement contained in an application shall be deemed a sufficient cause for the revocation of the license at any time. The applicant shall be given a practical examination, and, if found competent and trustworthy, he shall receive a license graded according to the merits of his examination. An applicant for a first class or second class engineer's license, or for a special license to operate a first class plant, or for a special license to have charge of a second class plant, shall be examined by a board of three examiners, one of whom may be the chief inspector, and, if the applicant is employed, one member of said board shall be the State inspector of boilers for the city or town in which the applicant is employed, and the decision of said board shall be final. The applicant shall have the privilege of having one person present during his examination, who shall take no part in the same, but who may take notes if he so desires. A period of ninety days shall elapse between examinations, except in the case of an appeal as hereinafter provided. A license shall continue in force until it is suspended or revoked for the incompetence or untrustworthiness of the licensee, except that a special license shall not continue in force after the holder thereof ceases to be employed in the plant specified in the license. A person whose license is suspended or revoked shall surrender his license to a member of the boiler inspection department. If a new license of a different grade is issued, the old license shall be destroyed by the examiner. If a license is lost, or is destroyed by fire or other means, a new license shall be issued in its place, without reexamination of the licensee, upon satisfactory proof of such loss or destruction to an examiner.

Examina-  
tions.

Classes of li-  
censes.

Sec. 82. Licenses shall be granted according to the competence of the applicant and shall be distributed in the following classes:—Engineers' licenses:—First class, to have charge of and operate any steam plant. Second class, to have charge of and operate a boiler or boilers, and to have charge of and operate engines, no one of which shall exceed one hundred and fifty horse power, or to operate a first class plant under the engineer in

direct charge of the plant. Third class, to have charge of and operate a boiler or boilers not exceeding in the aggregate one hundred and fifty horse power, and an engine not exceeding fifty-horse power, or to operate a second class plant under the engineer in direct charge of the plant. Fourth class, to have charge of and operate hoisting and portable engines and boilers. Portable class, to have charge of or to operate portable boilers and portable engines, except hoisting engines or steam fire engines. Steam fire engineers' class, to have charge of or to operate steam fire engines and boilers. Firemen's licenses:—Extra first class, to have charge of and operate any boiler or boilers. First class, to have charge of and operate any boiler or boilers where the safety valve or valves are set to blow at a pressure not exceeding twenty-five pounds to the square inch, or to operate high pressure boilers under the engineer or fireman in direct charge thereof. Second class, to operate any boiler or boilers under the engineer or fireman in direct charge thereof. A person holding an extra first class or first class fireman's license may operate a third class plant under the engineer in direct charge of the plant. Special licenses:—A person holding an engineer's or fireman's license, who desires to have charge of or to operate a particular steam plant, may, provided that he holds an engineer's or fireman's license and that he files with his application for such examination a written request signed by the owner or user of said plant, be examined as to his competence for such service and no other, and, if found competent and trustworthy, he shall be granted a license for such service and no other: *Provided, however,* That no special license shall be granted to give any person charge of an engine of over one hundred and fifty horse power.

Rating boilers.

Sec. 83. The horse power of a boiler shall be ascertained upon a basis of three horse power for each square foot of grate surface or equivalent, when the safety valve is set to blow at a pressure exceeding twenty-five pounds per square inch, and on a basis of one and one half horse power for each square foot of grate surface or equivalent, when the safety valve is set to blow at twenty-five pounds pressure per square inch or less.

The horse power of a reciprocating steam engine shall be ascertained upon the basis of a mean effective pressure of forty pounds per square inch of piston for a simple engine, fifty pounds for a condensing engine, and seventy pounds for a compound engine, calculated upon the area of the high pressure piston.

A steam turbine engine shall be rated at less than nine horse power when the external diameter of the steam supply pipe does not exceed one and three fourths inches. A steam turbine engine shall be rated at fifty horse power when the external diameter of the steam supply pipe exceeds one and three fourths inches and does not exceed three and one half inches. A steam turbine engine shall be rated at one hundred and fifty horse power when the external diameter of the steam supply pipe exceeds three and one half inches and does not exceed five inches.

Appeals.

Sec. 84. A person who is aggrieved by the action of an examiner in refusing, suspending or revoking a license, may appeal therefrom to the chief inspector of the boiler inspection department, who shall appoint three members of the boiler inspection department to act together as a board of appeal, one of whom may be said chief inspector. If an appeal is taken, it must be within one week after the decision of the examiner. The appellant shall have the privilege of having one person present during the hearing of his appeal, who shall take no part in the same but who may take notes if he so desires. The decision of the majority of the said examiners, acting as a board of appeal, shall be final.

[Section 85 is amended by substituting nine for eight, in harmony with the like change in section 78.

The concluding section of the act is as follows:]

Law in effect, when.

Sec. 8. This act shall take effect on the first day of January in the year nineteen hundred and twelve, and a license in force on the first day of January in the year nineteen hundred and twelve

shall continue in force until it is suspended or revoked for the incompetence or untrustworthiness of the licensee, except that a special license shall not continue in force after the holder thereof ceases to be employed on the plant specified in the license. A license in force on the first day of January in the year nineteen hundred and twelve may be exchanged for a license of the same class under this act at any time thereafter, on application to the boiler inspection department of the district police, upon forms to be furnished by said department. The applicant shall make oath to the statement contained in the said application, and the members of the boiler inspection department of the district police are hereby authorized to administer the oath.

In effect June 17, 1911.

CHAPTER 584.—*Fines of weavers for imperfect work.*

SECTION 1. No employer shall impose a fine upon an employee engaged at weaving for imperfections that may arise during the process of weaving. Fines forbidden.

SEC. 2. Any employer who violates the provisions of this act shall be punished by a fine not exceeding one hundred dollars for the first offense, and not exceeding three hundred dollars for any subsequent offense. Violations.

Approved June 22, 1911.

CHAPTER 603.—*Factory regulations—Lighting—Occupational diseases.*

SECTION 1. The State inspectors of health, or such other officers as the State board of health may from time to time appoint, shall, when obtaining information concerning the proper lighting of factories, workshops and other industrial establishments, make such investigation concerning the eye and vision in their relation to diseases of occupation, including injuries to the eyes of the employees, and to the pathological effects which are produced or promoted by the circumstances under which the various occupations are carried on, as, in the opinion of said board is practicable, and the board shall from time to time issue such printed matter containing suggestions to employers and employees for the protection of the eyes of the employees as it may deem advisable. Investigation.  
Injuries to eyes.

SEC. 2. If it appears to an inspector of health, or other officer appointed by said board, that in any factory, workshop or other industrial establishment, from the nature of the work or of the machinery used in connection therewith, or of other circumstances, there is danger of injury to the eyes of employees engaged in such work, and that the danger of injury may be decreased or prevented by any mechanical device or other practicable means, he shall, if said board so directs, order in writing that such device or other means shall be provided therein; and it shall be the duty of the proprietors and managers of the factory, workshop or other industrial establishment to comply with the order. Changes may be required.

SEC. 3. Any person, firm or corporation violating any provisions of this act shall be subject to a fine of not less than five nor more than two hundred dollars for every week during which such violation continues: *Provided, however,* That a criminal prosecution for any violation hereof shall not be begun unless such person, firm or corporation shall, for a period of four weeks after the receipt of an order in writing from a State inspector of health or other officer, as provided in the preceding section, neglect to comply therewith. Violations.

Approved June 30, 1911.

CHAPTER 607.—*Commission on homes for workingmen.*

SECTION 1. A commission is hereby established, to be known as the Homestead Commission, and to consist of the following Commission created.

persons: the director of the bureau of statistics, the bank commissioner, the president of the Massachusetts agricultural college, one member of the State board of health, to be selected by the board, and three other persons to be appointed by the governor, with the advice and consent of the council. The three members of the commission last named shall be appointed in the first place for terms of one, two and three years, respectively, and thereafter their successors shall be appointed for terms of three years. Of the persons so appointed by the governor, one shall be a woman, and one at least shall represent the laboring class. The commission shall report to the next general court, not later than the

Bill for law.

tenth day of January, nineteen hundred and twelve, a bill or bills embodying a plan and the method of carrying it out whereby, with the assistance of the Commonwealth, homesteads or small houses and plots of ground may be acquired by mechanics, factory employees, laborers and others in the suburbs of cities and towns. The members of the commission shall serve without compensation, but shall be allowed such sums for their expenses as may be approved by the governor and council.

Approved June 30, 1911.

CHAPTER 620.—*Inspectors of steam boilers—Appointment.*

Additional inspectors.

Age limit.

SECTION 1. The governor is hereby authorized and directed to appoint five additional members of the boiler inspection department of the district police, who shall be not above forty-five years of age; and this age limit shall apply hereafter to all appointments to the said department. The said five additional members shall be detailed for the inspection of boilers and the examination of engineers and firemen, and shall receive the same compensation now received by the present inspectors of boilers. The civil service commissioners shall hold an examination for the said appointments, and no person shall hereafter be eligible to take the civil service examination for appointment as an inspector of boilers, unless he holds a first class engineer's license granted by the boiler inspection department of this commonwealth.

Examinations.

Approved June 30, 1911.

CHAPTER 629.—*Employment of children—Night messenger service.*

Night work restricted.

SECTION 1. Except for the delivery of messages, directly connected with the business of conducting or publishing a newspaper, to a newspaper office or directly between newspaper offices, no person under the age of twenty-one years shall be employed or permitted to work as a messenger for a telegraph, telephone or messenger company in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day.

Violations.

SEC. 2. Whoever, in violation of the provisions of section one of this act, employs a person under the age of twenty-one years or whoever procures or, having under his control any such person, permits him to be so employed shall for each offense be punished by a fine of not less than fifty nor more than three hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

Enforcement.

SEC. 3. The district police shall enforce the provisions of this act.

In effect July 3, 1911.

CHAPTER 634.—*Retirement system for employees of counties.*

[This chapter makes provision for employees of counties similar to those made for employees of cities and towns by chapter 619, Acts of 1910, as amended by chapter 338, Acts of 1911.]

CHAPTER 635. *Liability of employers for injuries to employees.*

SECTION 1. In any civil action brought under the provisions of section sixty-three of Part I of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, as amended by section one of chapter three hundred and ninety-two of the acts of the year nineteen hundred and seven, damages may be recovered under a separate count at common law for conscious suffering. Damages for conscious suffering.

Approved July 7, 1911.

CHAPTER 656.—*Examination and licensing of operators of hoisting machinery.*

SECTION 1. No person shall operate derricks, cableways, machinery used for discharging cargoes, temporary elevator cars used on excavation work or used for hoisting building material, when the motive power to operate such machinery is mechanical and other than steam, unless he holds a license as hereinafter provided. The owner or user of hoisting machinery specified in this section shall not operate, or cause to be operated, such machinery for a period of more than one week, unless the person operating it is duly licensed. License required.

SEC. 2. The owner of hoisting machinery specified in this act shall not operate or cause to be operated according to the provisions of this act such hoisting machinery for a period of more than one week, unless the person in charge of and operating such hoisting machinery is duly licensed. Duty of owners.

SEC. 3. Whoever desires to act as operator of hoisting machinery, as specified in section one of this act, shall apply for a license therefor to the State inspector of boilers for the city or town in which he resides or is employed, upon blanks to be furnished by the boiler inspection department of the district police. The application shall be accompanied by a fee of one dollar, and shall show the total experience of the applicant in operating hoisting machinery. The applicant shall make oath to the statements contained in his application, and the members of the boiler inspection department of the district police are hereby authorized to administer said oath. Willful falsification in the matter of statements contained in an application shall be deemed sufficient cause for the revocation of said license at any time. The applicant shall be given a practical examination by a member of the boiler inspection department of the district police, and, if found competent and trustworthy, he shall receive a license to operate hoisting machinery, as specified in section one of this act. The applicant shall have the privilege of having one person present during his examination, who shall take no part in the same, but who may take notes if he so desires. A period of ninety days shall elapse between examinations, except in the case of an appeal as hereinafter provided. A license shall continue in force until it is suspended or revoked for the incompetence or untrustworthiness of the licensee. If a license is lost, or is destroyed by fire or other means, a new license shall be issued in its place, without reexamination of the licensee, upon satisfactory proof to an examiner of such loss or destruction. Applicants.  
Examinations.

SEC. 4. A person who is aggrieved by the action of an examiner in refusing, suspending or revoking a license, may appeal therefrom to the chief inspector of the boiler inspection department of the district police, who shall appoint three members of the boiler inspection department to act together as a board of appeal, one of whom may be said chief inspector. If appeal is taken, it must be within one week after the decision of the examiner. The appellant shall have the privilege of having one person present during the hearing of his appeal, who shall take no part in the Appeals.

same, but who may take notes if he so desires. The decision of the majority of such examiners, acting as a board of appeal, shall be final.

Holder to carry license.

SEC. 5. An operator's license, granted under the provisions of this act, shall be carried on the person of the holder thereof when operating hoisting machinery as specified in section one of this act.

Enforcement.

SEC. 6. The boiler inspection department of the district police shall act as examiners and enforce the provisions of this act; and whoever violates any of the provisions of this act shall be punished by a fine of not less than ten nor more than three hundred dollars, or by imprisonment for not more than three months. A trial justice shall have jurisdiction of complaints for violations of the provisions of this act, and in such cases may impose a fine of not more than fifty dollars. All members of the boiler inspection department of the district police shall have authority, in the pursuance of their duty, to enter any premises having thereon hoisting machinery, as specified in section one of this act; and any person who hinders or prevents, or attempts to prevent, any State boiler inspector from so entering, shall be liable to the penalty specified in this section.

Approved July 11, 1911.

#### CHAPTER 727.—*Assignments of wages—Releases.*

Release to be made, when.

SECTION 14. If a loan to which the provisions of this act [regulating the business of making small loans] apply is secured by a mortgage or pledge of personal property, or by an assignment of wages, the mortgage shall be discharged, the pledge restored or the assignment released, upon payment or tender of the amount legally due under the provisions of this act; and such payment or tender may be made by the debtor, by any person duly authorized by him, or by any person having an interest in the property mortgaged or pledged, or in the wages assigned. Whoever refuses or neglects upon request to discharge a mortgage, release an assignment or restore a pledge to the party entitled to receive the same, after payment of the debt secured thereby or the tender of the amount due thereon as aforesaid, shall be liable in an action of tort to the borrower for all damages thereby sustained by him.

Statements required.

SEC. 15. A mortgage or pledge of personal property or an assignment of or order for, wages or salary to which the provisions of this act apply, shall not be valid unless it states with substantial accuracy the actual amount of the loan, the time for which the loan is made, the rate of interest to be paid, and the expense of making and securing the loan, if any. \* \* \*

Assignments to be accepted.

SEC. 22. No assignment of or order for wages or salary 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 such assignment or order until the assignment or order is accepted in writing by the employer, nor until the assignment or order and the acceptance of the same have been filed and recorded with the clerk of the city or town where the person making the assignment or order resides, if he is a resident of the Commonwealth, or in which he is employed if he is not a resident of the Commonwealth. No such assignment or order shall be recorded by the clerk of a city or town unless it states on its face that the sum of ten dollars per week, as earned, of the wages or salary so assigned is exempt from such assignment or order. No such assignment or order shall be valid when made by a married man unless the written consent of his wife to the making thereof is attached thereto. No such assignment or order shall be valid for a period exceeding one year from the making thereof.

Recording.

Wife's consent.

Approved July 19, 1911.

CHAPTER 751.—*Compensation for injured employees—State insurance association.*

## PART I.

## MODIFICATION OF REMEDIES.

SECTION 1. In an action to recover damages for personal injury sustained by an employee in the course of his employment, or for death resulting from personal injury so sustained, it shall not be a defense: Suits for damages. Defenses abrogated.

1. That the employee was negligent;
2. That the injury was caused by the negligence of a fellow employee;
3. That the employee had assumed the risk of the injury.

SEC. 2. The provisions of section one shall not apply to actions to recover damages for personal injuries sustained by domestic servants and farm laborers. Farm laborers, etc.

SEC. 3. The provisions of section one shall not apply to actions to recover damages for personal injuries sustained by employees of a subscriber. Employees of subscribers to association.

SEC. 4. The provisions of sections one hundred and twenty-seven to one hundred and thirty-five, inclusive, and of one hundred and forty-one to one hundred and forty-three, inclusive, of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, and of any acts in amendment thereof, shall not apply to employees of a subscriber while this act is in effect. Same.

SEC. 5. An employee of a subscriber shall be held to have waived his right of action at common law to recover damages for personal injuries if he shall not have given his employer, at the time of his contract of hire, notice in writing that he claimed such right, or if the contract of hire was made before the employer became a subscriber, if the employee shall not have given the said notice within thirty days of notice of such subscription. An employee who has given notice to his employer that he claimed his right of action at common law may waive such claim by a notice in writing which shall take effect five days after it is delivered to the employer or his agent. Presumption of waiver.

## PART II.

## PAYMENTS.

SECTION 1. If an employee who has not given notice of his claim of common law rights of action, as provided in Part 1, section five, or who has given such notice and has waived the same, receives a personal injury arising out of and in the course of his employment, he shall be paid compensation by the association, as hereinafter provided, if his employer is a subscriber at the time of the injury. Compensation payable, when.

SEC. 2. If the employee is injured by reason of his serious and willful misconduct, he shall not receive compensation. Misconduct.

SEC. 3. If the employee is injured by reason of the serious and willful misconduct of a subscriber or of any person regularly entrusted with and exercising the powers of superintendence, the amounts of compensation hereinafter provided shall be doubled. In such case the subscriber shall repay to the association the extra compensation paid to the employee. Double compensation.

SEC. 4. No compensation shall be paid under this act for any injury which does not incapacitate the employee for a period of at least two weeks from earning full wages, but if incapacity extends beyond the period of two weeks, compensation shall begin on the fifteenth day after the injury. Waiting time.

SEC. 5. During the first two weeks after the injury, the association shall furnish reasonable medical and hospital services, and medicines when they are needed. Medical, etc., aid.

- Death bene-  
fits.**      **Sec. 6.** If death results from the injury, the association shall pay the dependents of the employee, wholly dependent upon his earnings for support at the time of the injury, a weekly payment equal to one-half his average weekly wages, but not more than ten dollars nor less than four dollars a week, for a period of three hundred weeks from the date of the injury. If the employee leaves dependents only partly dependent upon his earnings for support at the time of his injury, the association shall pay such dependents a weekly compensation equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents bears to the annual earnings of the deceased at the time of his injury. When weekly payments have been made to an injured employee before his death, the compensation to dependents shall begin from the date of the last of such payments, but shall not continue more than three hundred weeks from the date of the injury.
- Dependents.**      **Sec. 7.** The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee:  
 (a) A wife upon a husband with whom she lives at the time of his death.  
 (b) A husband upon a wife with whom he lives at the time of her death.  
 (c) A child or children under the age of eighteen years (or over said age, but physically or mentally incapacitated from earning) upon the parent with whom he is or they are living at the time of the death of such parent, there being no surviving dependent parent. In case there is more than one child thus dependent, the death benefit shall be divided equally among them.  
 In all other cases questions of dependency, in whole or in part, shall be determined in accordance with the fact, as the fact may be at the time of the injury; and in such other cases, if there is more than one person wholly dependent, the death benefit shall be divided equally among them, and persons partly dependent, if any, shall receive no part thereof; if there is no one wholly dependent and more than one person partly dependent, the death benefit shall be divided among them according to the relative extent of their dependency.
- No depend-  
ents.**      **Sec. 8.** If the employee leaves no dependents, the association shall pay the reasonable expense of his last sickness and burial, which shall not exceed two hundred dollars.
- Incapacity.**      **Sec. 9.** While the incapacity for work resulting from the injury is total, the association shall pay the injured employee a weekly compensation equal to one-half his average weekly wages, but not more than ten dollars nor less than four dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks, nor the amount more than three thousand dollars.
- Partial inca-  
pacity.**      **Sec. 10.** While the incapacity for work resulting from the injury is partial, the association shall pay the injured employee a weekly compensation equal to one-half the difference between his average weekly wages before the injury and the average weekly wages which he is able to earn thereafter, but not more than ten dollars a week; and in no case shall the period covered by such compensation be greater than three hundred weeks from the date of the injury.
- Specific in-  
juries.**      **Sec. 11.** In case of the following specified injuries the amounts hereinafter named shall be paid in addition to all other compensation:  
 (a) For the loss by severance of both hands at or above the wrist, or both feet at or above the ankle, or the loss of one hand and one foot, or the entire and irrecoverable loss of the sight of both eyes, one-half of the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of one hundred weeks.  
 (b) For the loss by severance of either hand at or above the wrist, or either foot at or above the ankle, or the entire and irre-

coverable loss of the sight of either eye, one-half the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of fifty weeks.

(c) For the loss by severance at or above the second joint of two or more fingers, including thumbs, or toes, one-half the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of twenty-five weeks.

(d) For the loss by severance of at least one phalange of a finger, thumb, or toe, one-half the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of twelve weeks.

Sec. 12. No savings or insurance of the injured employee, independent of this act, shall be taken into consideration in determining the compensation to be paid hereunder, nor shall benefits derived from any other source than the association be considered in fixing the compensation under this act.

Insurance not considered.

Sec. 13. The compensation payable under this act in case of the death of the injured employee shall be paid to his legal representative; or, if he has no legal representative, to his dependents; or, if he leaves no dependents, to the persons to whom payment of the expenses for the last sickness and burial are due. If the payment is made to the legal representative of the deceased employee, it shall be paid by him to the dependents or other persons entitled thereto under this act.

Payee.

Sec. 14. If an injured employee is mentally incompetent or is a minor at the time when any right or privilege accrues to him under this act, his guardian or next friend may in his behalf claim and exercise such right or privilege.

Incompetent persons.

Sec. 15. No proceedings for compensation for an injury under this act shall be maintained unless a notice of the injury shall have been given to the association or subscriber as soon as practicable after the happening thereof, and unless the claim for compensation with respect to such injury shall have been made within six months after the occurrence of the same; or, in case of the death of the employee, or in the event of his physical or mental incapacity, within six months after death or the removal of such physical or mental incapacity.

Notice.

Sec. 16. The said notice shall be in writing, and shall state in ordinary language the time, place and cause of the injury; and shall be signed by the person injured, or by a person in his behalf, or, in the event of his death, by his legal representative or by a person in his behalf.

Contents.

Sec. 17. The notice shall be served upon the association, or an officer or agent thereof, or upon the subscriber, or upon one subscriber, if there are more subscribers than one, or upon any officer or agent of a corporation if the subscriber is a corporation, by delivering the same to the person on whom it is to be served, or leaving it at his residence or place of business, or by sending it by registered mail addressed to the person or corporation on whom it is to be served, at his last known residence or place of business.

Service.

Sec. 18. A notice given under the provisions of this act shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place or cause of the injury, unless it is shown that it was the intention to mislead and the association was in fact misled thereby. Want of notice shall not be a bar to proceedings under this act, if it be shown that the association, subscriber, or agent had knowledge of the injury.

Sufficiency.

Sec. 19. After an employee has given notice of an injury, as provided by this act, and from time to time thereafter during the continuance of his disability he shall, if so requested by the association, submit himself to an examination by a physician or surgeon authorized to practise medicine under the laws of the Commonwealth, furnished and paid for by the association. The employee shall have the right to have a physician provided and paid for by himself present at the examination. If he refuses to sub-

Medical examination.

mit himself for the examination, or in any way obstructs the same, his right to compensation shall be suspended, and his compensation during the period of suspension may be forfeited.

Waivers.

SEC. 20. No agreement by an employee to waive his rights to compensation under this act shall be valid.

Payments exempt.

SEC. 21. No payment under this act shall be assignable or subject to attachment, or be liable in any way for any debts.

Lump sum payments.

SEC. 22. Whenever any weekly payment has been continued for not less than six months, the liability therefor may in unusual cases be redeemed by the payment of a lump sum by agreement of the parties, subject to the approval of the industrial accident board.

### PART III.

#### PROCEDURE.

Industrial accident board.

SECTION 1. There shall be an industrial accident board consisting of three members, to be appointed by the governor, by and with the advice and consent of the council, one of whom shall be designated by the governor as chairman. The term of office of members of this board shall be six years, except that when first constituted one member shall be appointed for two years, one for four years, and one for six years. Thereafter one member shall be appointed every second year for the full term of six years.

Salaries, etc.

SEC. 2. The salaries and expenses of the board shall be paid by the Commonwealth. The salary of the chairman shall be sixty-five hundred dollars a year, and the salary of the other members shall be six thousand dollars a year each. The board may appoint a secretary at a salary of not more than three thousand dollars a year, and may remove him. It shall also be allowed an annual sum, not exceeding ten thousand dollars, for clerical service, and traveling and other necessary expenses. The board shall be provided with an office in the statehouse or in some other suitable building in the city of Boston, in which its records shall be kept.

Rules.

SEC. 3. The board may make rules not inconsistent with this act for carrying out the provisions of the act. Process and procedure under this act shall be as summary as reasonably may be.

Powers.

The board or any member thereof shall have the power to subpoena witnesses and to examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute.

Agreements.

SEC. 4. If the association and the injured employee reach an agreement in regard to compensation under this act, a memorandum of the agreement shall be filed with the industrial accident board and, if approved by it, thereupon the memorandum shall for all purposes be enforceable as a decree of the superior court. Such agreements shall be approved by said board only when the terms conform to the provisions of this act.

Arbitration.

SEC. 5. If the association and the injured employee fail to reach an agreement in regard to compensation under this act, either party may notify the industrial accident board who shall thereupon call for the formation of a committee of arbitration. The committee of arbitration shall consist of three members, one of whom shall be a member of the industrial accident board, and shall act as chairman. The other two members shall be named, respectively, by the two parties.

Arbitrators.

SEC. 6. It shall be the duty of the industrial accident board, upon notification that the parties have failed to reach an agreement, to request both parties to appoint their respective representatives on the committee of arbitration. The board shall designate one of its members to act as chairman, and, if either party does not appoint its member on this committee within seven days after notification, as above provided, the board or any member thereof shall fill the vacancy and notify the parties to that effect.

Investigation.

SEC. 7. The committee of arbitration shall make such inquiries and investigations as it shall deem necessary. The hearings of

the committee shall be held at the place where the injury occurred, and the decision of the committee shall be filed with the industrial accident board. Unless a claim for a review is filed by either party within seven days, the decision shall be enforceable as if it were a decree of the superior court.

SEC. 8. The industrial accident board or any member thereof may appoint a duly qualified impartial physician to examine the injured employee and to report. The fee for this service shall be five dollars and traveling expenses, but the board may allow additional reasonable amounts in extraordinary cases.

Physician.

SEC. 9. The arbitrators named by or for the parties to the dispute shall each receive five dollars as a fee for his services, but the industrial accident board or any member thereof may allow additional reasonable amounts in extraordinary cases. The fees shall be paid by the association, which shall deduct an amount equal to one third of the sum from any compensation found due the employee.

Fees.

SEC. 10. If a claim for a review is filed, as provided in Part III, section seven, the board shall hear the parties and file its decision with the records of the proceedings.

Review.

SEC. 11. There shall be a right of appeal to the supreme judicial court on questions of law, and the industrial accident board may report questions of law to the supreme judicial court for its determination.

Appeal.

SEC. 12. Any weekly payment under this act may be reviewed by the industrial accident board at the request of the association or of the employee; and on such review it may be ended, diminished or increased, subject to the maximum and minimum amounts above provided, if the board finds that the condition of the employee warrants such action.

Review of award.

SEC. 13. Fees of attorneys and physicians for services under this act shall be subject to the approval of the industrial accident board.

Fees to be approved.

SEC. 14. If the committee of arbitration, industrial accident board, or any court before whom any proceedings are brought under this act determines that such proceedings have been brought, prosecuted, or defended without reasonable ground, it shall assess the whole cost of the proceedings upon the party who has so brought, prosecuted or defended them.

Costs.

SEC. 15. Where the injury for which compensation is payable under this act was caused under circumstances creating a legal liability in some person other than the subscriber to pay damages in respect thereof, the employee may at his option proceed either at law against that person to recover damages, or against the association for compensation under this act, but not against both; and if compensation be paid under this act, the association may enforce in the name of the employee, or in its own name and for its own benefit, the liability of such other person.

Injuries caused by third parties.

SEC. 16. All questions arising under this act, if not settled by agreement by the parties interested therein, shall, except as otherwise herein provided, be determined by the industrial accident board. The decisions of the industrial accident board shall for all purposes be enforceable as if they were decrees of the superior court.

Settlement of disputes.

SEC. 17. If a subscriber enters into a contract, written or oral, with an independent contractor to do such subscriber's work, or if such a contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contract with the subscriber, and the association would, if such work were executed by employees immediately employed by the subscriber, be liable to pay compensation under this act to those employees, the association shall pay to such employees any compensation which would be payable to them under this act if the independent or subcontractors were subscribers. The association, however, shall be entitled to recover indemnity from any other person who would have been liable to such employees independently of this section, and if the association has paid compensation under the terms of this

Independent contractors.

section, it may enforce in the name of the employee, or in its own name and for the benefit of the association, the liability of such other person. This section shall not apply to any contract of an independent or subcontractor which is merely ancillary and incidental to, and is no part of or process in, the trade or business carried on by the subscriber, nor to any case where the injury occurred elsewhere than on, in, or about the premises on which the contractor has undertaken to execute the work for the subscriber or which are under the control or management of the subscriber.

Accidents to  
be reported.

SEC. 18. Every employer shall hereafter keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within forty-eight hours, not counting Sundays and legal holidays, after the occurrence of an accident resulting in personal injury a report thereof shall be made in writing to the industrial accident board on blanks to be procured from the board for the purpose.

Upon the termination of the disability of the injured employee or, if such disability extends beyond a period of sixty days, at the expiration of such period the employer shall make a supplemental report on blanks to be procured from the board for that purpose.

The said reports shall contain the name and nature of the business of the employer, the location of the establishment, the name, age, sex and occupation of the injured employee, and shall state the date and hour of the accident, the nature and cause of the injury, and such other information as may be required by the board.

Any employer who refuses or neglects to make the report required by this section shall be punished by a fine of not more than fifty dollars for each offense.

#### PART IV.

##### THE MASSACHUSETTS EMPLOYEES INSURANCE ASSOCIATION.

Association  
created.

SECTION. 1. The Massachusetts Employees Insurance Association is hereby created a body corporate with the powers provided in this act and with all the general corporate powers incident thereto.

Board of di-  
rectors.

SEC. 2. The governor shall appoint a board of directors of the association, consisting of fifteen members, who shall serve for a term of one year, or until their successors are elected by ballot by the subscribers at such time and for such term as the by-laws shall provide.

Powers of  
board.

SEC. 3. Until the first meeting of the subscribers the board of directors shall have and exercise all the powers of the subscribers, and may adopt by-laws not inconsistent with the provisions of this act, which shall be in effect until amended or repealed by the subscribers.

Officers.

SEC. 4. The board of directors shall annually choose by ballot a president, who shall be a member of the board, a secretary, a treasurer, and such other officers as the by-laws shall provide.

Quorum.

SEC. 5. Seven or more of the directors shall constitute a quorum for the transaction of business.

Vacancies in any office may be filled in such manner as the by-laws shall provide.

Membership.

SEC. 6. Any employer in the Commonwealth may become a subscriber.

First meet-  
ing.

SEC. 7. The board of directors shall, within thirty days of the subscription of twenty-five employers, call the first meeting of the subscribers by a notice in writing mailed to each subscriber at his place of business not less than ten days before the date fixed for the meeting.

Votes.

SEC. 8. In any meeting of the subscribers each subscriber shall be entitled to one vote, and if a subscriber has five hundred employees to whom the association is bound to pay compensation he shall be entitled to two votes, and he shall be entitled to one additional vote for each additional five hundred employees to whom the association is bound to pay compensation, but no subscriber

shall cast, by his own right or by the right of proxy, more than twenty votes.

SEC. 9. No policy shall be issued by the association until not less than one hundred employers have subscribed, who have not less than ten thousand employees to whom the association may be bound to pay compensation. Policies issued, when.

SEC. 10. No policy shall be issued until a list of the subscribers, with the number of employees of each, together with such other information as the insurance commissioner may require, shall have been filed at the insurance department, nor until the president and secretary of the association shall have certified under oath that every subscription in the list so filed is genuine and made with an agreement by every subscriber that he will take the policies subscribed for by him within thirty days of the granting of a license to the association by the insurance commissioner to issue policies. Same.

SEC. 11. If the number of subscribers falls below one hundred, or the number of employees to whom the association may be bound to pay compensation falls below ten thousand, no further policies shall be issued until other employers have subscribed who, together with existing subscribers, amount to not less than one hundred, who have not less than ten thousand employees, said subscriptions to be subject to the provisions contained in the preceding section. Issues cease, when.

SEC. 12. Upon the filing of the certificate provided for in the two preceding sections the insurance commissioner shall make such investigation as he may deem proper and, if his findings warrant it, grant a license to the association to issue policies. License.

SEC. 13. The board of directors shall distribute the subscribers into groups in accordance with the nature of the business and the degree of the risk of injury. Risk groups.

Subscribers within each group shall annually pay in cash, or notes absolutely payable, such premiums as may be required to pay the compensation herein provided for the injuries which may occur in that year.

SEC. 14. The association may in its by-laws and policies fix the contingent mutual liability of the subscribers for the payment of losses and expenses not provided for by its cash funds; but such contingent liability of a subscriber shall not be less than an amount equal to and in addition to the cash premium. Liabilities.

SEC. 15. If the association is not possessed of cash funds above its unearned premiums sufficient for the payment of incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses upon the subscribers liable to assessment therefor in proportion to their several liability. Assessments.

Every subscriber shall pay his proportional part of any assessments which may be laid by the association, in accordance with law and his contract, on account of injuries sustained and expenses incurred while he is a subscriber.

SEC. 16. The board of directors may, from time to time, by vote fix and determine the amount to be paid as a dividend upon policies expiring during each year after retaining sufficient sums to pay all the compensation which may be payable on account of injuries sustained and expenses incurred. Dividends.

All premiums, assessments, and dividends shall be fixed by and for groups as heretofore provided in accordance with the experience of each group, but all the funds of the association and the contingent liability of all the subscribers shall be available for the payment of any claim against the association.

SEC. 17. Any proposed premium, assessment, dividend or distribution of subscribers shall be filed with the insurance department and shall not take effect until approved by the insurance commissioner after such investigation as he may deem necessary. Rates to be approved.

SEC. 18. The board of directors shall make and enforce reasonable rules and regulations for the prevention of injuries on the premises of subscribers, and for this purpose the inspectors of the association shall have free access to all such premises during regular working hours. Rules.

- Any subscriber or employee aggrieved by any such rule or regulation may petition the industrial accident board for a review, and it may affirm, amend, or annul the rule or regulation.
- False statements.** SEC. 19. If any officer of the association shall falsely make oath to any certificate required to be filed with the insurance commissioner, he shall be guilty of perjury.
- Notice of policy.** SEC. 20. Every subscriber shall, as soon as he secures a policy, give notice, in writing or print, to all persons under contract of hire with him that he has provided for payment to injured employees by the association.
- New employees.** SEC. 21. Every subscriber shall give notice in writing or print to every person with whom he is about to enter into a contract of hire that he has provided for payment to injured employees by the association.
- Employers reimbursed, when.** SEC. 22. If a subscriber, who has complied with all the rules, regulations and demands of the association, is required by any judgment of a court of law to pay to an employee any damages on account of personal injury sustained by such employee during the period of subscription, the association shall pay to the subscriber the full amount of such judgment and the cost assessed therewith, if the subscriber shall have given the association notice in writing of the bringing of the action upon which the judgment was recovered and an opportunity to appear and defend the same.
- State insurance code does not apply.** SEC. 23. The provisions of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven and of acts in amendment thereof shall apply to the association, so far as such provisions are pertinent and not in conflict with the provisions of this act, except that the corporate powers shall not expire because of failure to issue policies or make insurance.
- Expenses.** SEC. 24. The board of directors appointed by the governor under the provisions of Part IV, section two, may incur such expenses in the performance of its duties as shall be approved by the governor and council. Such expenses shall be paid from the treasury of the Commonwealth and shall not exceed in amount the sum of fifteen thousand dollars.
- Limit.**

## PART V.

## MISCELLANEOUS PROVISIONS.

- Compensation proceedings bar suit.** SECTION 1. If an employee of a subscriber files any claim with or accepts any payment from the association on account of personal injury, or makes any agreement, or submits any question to arbitration, under this act, such action shall constitute a release to the subscriber of all claims or demands at law, if any, arising from the injury.
- Definitions.** SEC. 2. The following words and phrases, as used in this act, shall, unless a different meaning is plainly required by the context, have the following meaning:—
- “Employer” shall include the legal representative of a deceased employer.
- “Employee” shall include every person in the service of another under any contract of hire, express or implied, oral or written, except one whose employment is but casual, or is not in the usual course of the trade, business, profession or occupation of his employer. Any reference to an employee who has been injured shall, when the employee is dead, also include his legal representatives, dependents and other persons to whom compensation may be payable.
- “Dependents” shall mean members of the employee's family or next of kin who were wholly or partly dependent upon the earnings of the employee for support at the time of the injury.
- “Average weekly wages” shall mean the earnings of the injured employee during the period of twelve calendar months immediately preceding the date of injury, divided by fifty-two; but if the injured employee lost more than two weeks' time during such period then the earning for the remainder of such twelve calendar months shall be divided by the number of weeks remaining

after the time so lost has been deducted. Where, by reason of the shortness of the time during which the employee has been in the employment of his employer, or the nature or terms of the employment, it is impracticable to compute the average weekly wages, as above defined, regard may be had to the average weekly amount, which during the twelve months previous to the injury, as being earned by a person in the same grade employed at the same work by the same employer; or, if there is no person so employed, by a person in the same grade employed in same class of employment and in the same district.

“Association” shall mean the Massachusetts Employees Insurance Association.

“Subscriber” shall mean an employer who has become a member of the association by paying a year’s premium in advance and receiving the receipt of the association therefor, provided that the association holds a license issued by the insurance commissioner as provided in Part IV, section twelve.

SEC. 3. Any liability insurance company authorized to do business within this Commonwealth shall have the same right as the association to insure the liability to pay the compensation provided for by this act, and a policy holder of such liability company shall be regarded as a subscriber so far as applicable within the meaning of this act, and when any such company insures such payment of compensation it shall be subject to all the regulations and obligations imposed upon the association. Private companies may insure.

SEC. 4. Sections one hundred and thirty-six to one hundred and forty, inclusive, of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine are hereby repealed. Voluntary compensation schemes.

SEC. 5. The provisions of this act shall not apply to injuries sustained prior to the taking effect thereof. Prior injuries.

SEC. 6. Part IV of this act shall take effect on the first day of January, nineteen hundred and twelve; the remainder thereof shall take effect on the first day of July, nineteen hundred and twelve. Law in effect, when.

Approved July 28, 1911.

RESOLVES.

CHAPTER 64.—*Schooling for employed children—Investigation.*

The board of education is hereby authorized and directed to investigate the need and practicability of part-time schooling, vocational and otherwise, for working children, and also the establishment of an apprentice system, especially for children between the ages of fourteen and seventeen years. The board shall investigate and report as to the means now existing which might be used to furnish vocational training, and is authorized to employ such agents as may be necessary to collect pertinent information from employers and others. The board shall report the result of its investigations with its recommendations, in print, to the general court not later than the second Wednesday in January, nineteen hundred and thirteen. For the purposes of this resolve, there shall be allowed and paid out of the treasury of the commonwealth a sum not exceeding six thousand five hundred dollars. Part-time schooling.  
Report.

Approved April 20, 1911.

CHAPTER 71.—*Employment of women and children—Commission on minimum wages.*

The governor, with the advice and consent of the council, shall, within thirty days after the passage of this resolve, appoint a commission of five persons, citizens of the Commonwealth, of whom at least one shall be a woman, one shall be a representative of labor and one shall be a representative of employers, to study the matter of wages of women and minors, and to report on the advisability of establishing a board or boards to which shall be referred inquiries as to the need and feasibility of fixing minimum Investigation of wages.

rates of wages for women or minors in any industry. The said commission may employ experts and all necessary clerical and other assistance, and may incur such reasonable expenses, including travelling expenses, as may be authorized by the governor and council. Before incurring any expenses the commission shall, from time to time, estimate its probable amount, and submit the estimate to the governor and council for their approval, and no expense shall be incurred by the commission beyond the amount so estimated and approved. The commissioners shall serve without pay, and shall report to the general court on or before the second Wednesday in January, nineteen hundred and twelve, with such drafts of bills, if any, as may be necessary to carry its recommendation into effect. To carry out the purposes of this resolve there may be expended from the treasury of the Commonwealth a sum not exceeding two thousand dollars.

Report.

Approved May 11, 1911.

CHAPTER 94.—*Commission on employment offices.*

Time for report.

The time for filing the report of the commission appointed to investigate the condition and management of employment agencies and intelligence offices, pursuant to the provisions of chapter one hundred and forty-six of the resolves of the year nineteen hundred and ten and chapter two of the resolves of the year nineteen hundred and eleven, is hereby further extended to the thirty-first day of May in the current year, and all recommendations shall be accompanied by drafts of bills; the existence of said commission is hereby extended to the second Wednesday of January, nineteen hundred and twelve, on or before which date final report shall be made to the next general court, with such additional information as may have been obtained and with such additional recommendations as may be deemed advisable; and that said commission

Expenses.

shall be allowed for its necessary expenses, in addition to the sum of two thousand dollars authorized by the resolve first mentioned herein, such further sum not exceeding one thousand dollars as may be approved by the governor and council.

Approved June 10, 1911.

CHAPTER 110.—*Workmen's Compensation Commission—Reports of accidents to workmen.*

Commission continued.

The commission which was appointed under chapter one hundred and twenty of the resolves of the year nineteen hundred and ten to determine upon a plan of compensating employees for injuries sustained in the course of their employment is hereby continued until the first day of July, nineteen hundred and twelve. The commission shall continue its studies and investigation, and shall

Accident statistics.

collect and compile statistical data of accidents to employees, and other pertinent information, and shall report to the general court on or before May first, nineteen hundred and twelve, with drafts of such bills as it may recommend for legislation. Every employer shall hereafter, until July first, nineteen hundred and twelve, keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment; and within forty-eight hours, not counting Sundays and legal holidays, after the occurrence of an accident resulting in personal injury to an employee a report thereof shall be made in writing by the employer to the commission on blanks furnished for the purpose. Upon the termination of the disability of the injured employee or, if such disability extends beyond a period of sixty days, at the expiration of that period, the employer shall make a supplemental report on blanks furnished by the commission for the purpose. The said reports shall state the name and nature of the business of the employer, the location of his establishment, the name, age, sex and occupation of the injured employee, the date and hour of the accident, the nature and cause of the injury, and such other

information as may be required by the commission. Any employer who refuses or neglects to make a report required by this resolve shall be punished by a fine of not more than fifty dollars for each offense. The total additional expense to be incurred under this resolve shall not exceed the sum of thirteen thousand dollars.

Approved June 30, 1911.

### MICHIGAN.

#### ACTS OF 1911.

##### No. 68.—*Accident insurance.*

SECTION 1. On and after January first, nineteen hundred twelve, no policy of insurance against loss or damage from disease or from bodily injury by accident, or both, of the assured, shall be issued or delivered in this State \* \* \*. Restrictions on issue of policies.

(6) Unless it contains in substance the following provisions:

6. A provision that if the insured is injured or contracts disease after having changed his occupation to one classified by the company as more hazardous than that stated in the policy, or while he is doing any act or thing pertaining to any occupation so classified (except ordinary duties about his residence or while engaged in recreation) the company shall pay such proportion of the indemnities provided in the policy as the premium paid would have purchased at the rate but within the limits fixed by the company for such more hazardous occupation according to the company's rates and classification of risks filed with the commissioner of insurance in this State prior to the occurrence of the injury or the commencement of the disease for which indemnity is claimed; Change of occupation.

SEC. 6. Nothing in this act, however, shall apply to or affect any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, copartnership, association or individual employer, police or fire department, underwriter's corps, salvage bureau, or like associations or organizations, where the officers, members or employees, or classes or departments thereof, are insured against specified accidental bodily injuries or diseases while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy; \* \* \*. Blanket policies.

Approved April 12, 1911.

##### No. 119.—*Occupational diseases—Reports by physicians.*

SECTION 1. Every physician attending or called upon to treat a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury, or their compounds, or from anthrax, or from compressed air illness, contracted as a result of the nature of the patient's employment, shall send to the State board of health, who shall transmit to the commissioner of labor a notice stating the name, post-office address and place of employment of the patient, the length of time of such employment, and the disease from which in the opinion of the physician, the patient is suffering. What diseases to be reported.

SEC. 3. It shall be the duty of the commissioner of labor and of the prosecuting attorney of the county where any one violating the provision of this act may reside, to prosecute all violations of the provisions of this act which shall come to the knowledge of them or either of them. Violations.

Approved April 25, 1911.

No. 163.—*Mine regulations—Inspectors.*

- Inspector to be elected.** SECTION 1. There shall be elected at the general election in the year nineteen hundred twelve, and at every general election thereafter an inspector of mines for the term of two years in any county within this State where there are iron or copper mines situated and working, some suitable person who is a citizen of this State, who can read and write the English language, and who has had at least ten years' actual experience in mining, timbering and general underground work, or a person holding the degree of mining engineer, or an equivalent degree, and who shall have practiced his profession as such engineer for at least two years.
- Qualifications.** SEC. 2. Until the election and qualification of the first inspector of mines to be elected as provided by this act, the inspector of mines and the deputy inspectors heretofore appointed by any board of supervisors shall continue to serve until their terms of office have expired, and such board of supervisors where there are iron or copper mines situated and working is hereby authorized and directed to appoint their successors and to remove the same or any one thereof whenever in its judgment the best interests of owners and employees may so require, and to fill vacancies arising from any other cause than removal, but no such inspectors of mines or deputy inspectors appointed by or serving under any appointment of any board of supervisors shall hold office beyond the first day of January succeeding the election of the first inspectors of mines to be elected as provided by this act. Such inspectors of mines and deputy inspectors heretofore appointed or to be appointed by any board of supervisors, shall perform all of the duties of inspector of mines and deputy inspectors of mines until the election and qualification of the first inspectors of mines to be elected as herein provided.
- Present inspectors, etc.** SEC. 3. The regular terms of office of the inspectors of mines to be so elected shall commence on the first day of January succeeding their election.
- Terms begin.** SEC. 4. In case of any vacancy in the office of the inspector of mines, the governor shall by writing under his hand appoint some suitable person who is possessed of the same qualifications as the officers provided for in section one, to perform for the time being the duties required by law to be performed by such inspector.
- Vacancies.** SEC. 5. The inspector of mines when so elected shall give bonds in the sum of five thousand dollars, with good and sufficient sureties to be approved by the circuit judge or judge of probate of the county in which such inspector shall be elected for the faithful performance of his duties, which said bond shall be payable to the people of this State and shall be filed with the clerk of the county where he is so elected.
- Bond.** SEC. 6. The inspector of mines when so elected may appoint one or more deputy inspectors, not exceeding three, as in his judgment may be necessary for the purpose of discharging the duties hereinafter prescribed, and may revoke such appointments at his pleasure. Any and all such deputy inspectors in any county shall be under the supervision of the inspector of mines, and their duties shall be prescribed by him.
- Deputies.** SEC. 7. The board of supervisors in each county where an inspector of mines is so elected or appointed shall fix the compensation of such inspector and his deputy or deputies, and provide for the payment of the same: *Provided*, That the compensation of the inspector of mines shall not be less than five dollars per day, and that of the deputy inspectors shall not be less than three dollars and fifty cents per day for each day actually employed in the performance of their official duties.
- Compensation.** SEC. 8. The duties of the mine inspector shall be to visit all the working mines of his county once in every sixty days, and oftener if in his judgment necessary, and closely inspect the mines so visited, and condemn all such places where he shall find that the employees are in danger from any cause, whether resulting from careless mining or defective machinery or appliances or improper
- Duties.**

or unsafe methods of any nature; he shall compel the erection of a partition between all shafts where hoisting of ore is performed and where there are ladder ways, where men must ascend and descend going to and from their work. In case the mine inspector shall find that a place is dangerous from any cause as aforesaid, it shall be his duty immediately to order the men engaged in work at the said place to quit work, and he shall notify the superintendent, agent or person in charge to secure the place from the existing danger, which said notification or order shall be in writing and shall clearly define the limits of the dangerous place and specify the work to be done or change to be made to render the same secure, ordinary mine risks excepted. It shall also be the duty of the mine inspector to command the person, persons or corporation working any mine, or the agent, superintendent, foreman or other person having immediate charge of the working of any mine, to furnish all shafts and open pits of such mine with some secure safeguard at the top of the shaft or open pit so as to guard against accident by persons falling therein or by material falling down the same, also a covering on all the carriages on which persons ascend or descend up and down the shaft, if in his judgment it shall be practicable and necessary for the purpose of safety: *Provided*, That when any mine is idle or abandoned it shall be the duty of the mine inspector to notify the person, persons or corporation owning the land on which any such mine is situated, or the agent of such owner or owners, to erect and maintain around all the shafts and open pits of such mine a fence or railing suitable to prevent persons or domestic animals from accidentally falling into said shafts or open pits. Said notice shall be in writing and shall be served upon such owner, owners or agent, personally or by leaving a copy at the residence of any such owner or agent, if they or any of them reside in the county where such mine is situated, and if such owner, owners or agents are none of them residents of the county such notice may be given by publishing the same in one or more newspapers printed and circulated in said county if there be one, and by registered letter, and if no newspaper be published in said county then in a newspaper published in some adjoining county for a period of three consecutive weeks. If such owner, owners or agent shall not, within thirty days after receiving such notice or within thirty days after the completion of said publication, erect such suitable fences or railings as above provided, it shall be the duty of the mine inspector to cause such suitable fences or railings to be erected and to make a return of his doings in the case, with the description of the land or lands on which such shafts and open pits are located, together with an itemized statement of the actual expenses incurred in such case on each description of land, to the county clerk of the county, which return statement shall be verified by the affidavit of the mine inspector. All expenses incurred under the provisions of this section shall be audited by the board of supervisors of the county, and all sums allowed by such board for such expenses shall be paid from the general fund of the county. The county clerk shall certify to the board of supervisors at its annual meeting in each year the amount of expense incurred under the provisions of this section during the preceding year and the amount belonging to each and every description of land on which any such mines are situated, and said amount shall be certified to the supervisors of the proper townships in the same manner as county taxes are certified to said supervisors, and the amount of the expense incurred as above on each description shall be assessed by said supervisors upon the said description upon their assessment rolls for that year in a separate column, and shall be collected in the same manner as county taxes, and when so collected paid into the general fund of the county.

May order changes.

Idle mines.

Work forbidden.

SEC. 9. If any man or men are allowed to continue work in any place condemned by the mine inspector, except to do the work required to be done to insure safety before said place has received the necessary changes to secure the safety, ordinary risks of min-

ing excepted, of the laborers engaged therein, the person, persons or corporation operating said mine shall be liable for all accidents causing injuries or death to employees working in or about such place, until the order referred to in the preceding section shall have been complied with or revoked.

**Duty of operators.** of Sec. 10. It shall be the duty of the person, persons or corporation, [operating a mine] or the superintendents or agents of the same, when the mine inspector arrives at any mine on his official business, to furnish for his inspection all maps, drawings and plans of the mine, together with plans of all contemplated changes in the manner of working the mine or any part thereof; to furnish him with such suitable person or persons as he may desire to accompany him through the mine or any part thereof; and also to furnish him with suitable ladders and other necessary appliances to make a proper inspection; and should they or any of them neglect or refuse to comply with any of the provisions of this section, such refusal or neglect shall be punished by a fine of not less than one hundred nor more than five hundred dollars for each and every offense.

**Inspections on notice.** Sec. 12. When any person working in any mine or place where mining is done shall notify the mine inspector or deputy inspector either verbally or in writing that the services of the mine inspector are needed, he shall immediately make inspection, or send any one of his assistants to do so. Such notice shall be forever privileged in any court either civil or criminal. Any inspector or deputy inspector who shall divulge the name of any person or persons giving any such notice shall be punished by a fine of not less than one hundred nor more than five hundred dollars.

**Annual reports.** Sec. 13. It shall be the duty of each of the inspectors of mines appointed or elected under this act to make and file with the clerk of the county for which he was appointed or elected, at least 10 days before the time fixed by law for the annual autumn meeting of the board of supervisors, an annual report with a duplicate copy to the commissioner of labor of his acts and proceedings under this act, specifying among other things the number of mine

**Accidents.** accidents occurring during the preceding year causing either death or injury to persons, giving the name of the mine where and the circumstances surrounding said accidents, and so classifying said accidents to show what occurred through the fault or negligence of employers and those occurring through the fault or negligence of employees, and giving the results of inquests if any have been held in case of accidents causing death.

Approved April 25, 1911.

No. 166.—*Coal mined within the State to be used in State institutions.*

**Use of bituminous coal.** SECTION 1. No bituminous coal, except that produced by the coal mines of Michigan, shall hereafter be purchased for, or used in any State penal, reformatory, charitable or educational institution of this State: *Provided, however,* That if it is shown conclusively to said board that the price demanded for such Michigan mined bituminous coal based upon the heat units is in excess of that at which bituminous coal mined without this State can be purchased, the adaptability to conditions of the plant in which its use is considered being taken into consideration, such board shall be permitted to contract for such bituminous coal mined without this State, but no such contract shall be for a longer period than one year.

**Proviso.**

Approved April 25, 1911.

No. 187.—*Railroads—Qualifications of certain employees.*

**Experience to be stated.** SECTION 1. Every person hereafter employed upon any steam railroad in this State in the capacity of locomotive engineer, conductor or flagman shall file in the office of the Michigan Railroad

Commission an affidavit, in such form as the commission may prescribe, setting forth the length of railroad experience of the person making the same, and for what company or companies and in what capacity performed.

SEC. 2. No person shall run or operate any locomotive or other motor power upon any railroad in the State of Michigan without first having served three years as fireman prior to qualifying for freight service and two years as a freight engineer before qualifying for passenger service.

Engineers.

SEC. 3. No person shall act or engage to act as a conductor on a railroad freight train in this State without having for two years prior thereto served or worked in the capacity of a brakeman or conductor on a freight or passenger train on a line of road; nor shall any person act or engage to act as a conductor on a passenger train in this State without having for one year prior thereto served or worked in the capacity of a conductor of a freight or passenger train on a line of road.

Conductors.

SEC. 4. It shall be unlawful for any common carrier by railroad, carrying freight or passengers between points in this State, to employ any telegraph operator who has not had at least thirty days' experience in the handling of train orders under the tutelage of an experienced telegraph operator and shall have attained the age of nineteen years.

Telegraph operators.

SEC. 5. No person shall act or engage to act as a flagman on a railroad train in this State without having for three months prior thereto served or worked as a brakeman on a freight train or passenger train on a line of road.

Flagmen.

SEC. 6. No railroad company by its officers, agents or employees shall knowingly engage or employ any person to act in the capacity of locomotive engineer, conductor or flagman in violation of the provisions of this act.

Employment forbidden.

SEC. 7. Nothing in this act shall be construed as applying to the running or operating of engines in taking said engines to or from trains at division terminals by engine hostlers, or of the shifting of cars or making up trains or doing any work appurtenant thereto, or engine houses, trams or freight yards by switchmen or yardmen, or in the case of the disability of an engineer or a conductor or a flagman while out on the road between division terminals, or in case of relief or wrecking trains, in case of accident or wreck.

Construction of act.

SEC. 8. The provisions of this act shall not apply to any railroad company within this State nor the receiver or lessee thereof, whose line of railway is less than thirty miles in length, nor shall anything herein contained relieve any railroad company from the negligence of any of its employees. In case any railroad company is unable to hire a sufficient number of men having the experience for the respective positions specified in this act, at the average rate of wages paid by said company during the next preceding year, it shall be deemed a substantial compliance with this act if such company shall employ from among such men as are available those having the highest qualifications as to experience and efficiency.

Exemptions.

Approved April 28, 1911.

*ACT No. 198.—Employment of children—School attendance of poor children.*

SECTION. 1. Any truant officer of this State when authorized by the board of education to investigate, and when satisfied that any child within his jurisdiction, required by law to attend school, is unable so to do by reason of the fact that the services of such child are absolutely required for the support of himself or herself, or to assist in the support or care of others legally entitled to his or her services, such person or persons being unable to support or care for themselves, such truant officer shall report the case to the board of education of the school district in which such child may reside, and such board of education shall be authorized

Children whose services are necessary.

to and may in their discretion grant such relief as will enable the child to attend school during the entire school year. In all cases where such relief is necessary the said board of education shall be authorized to, and may in their discretion, furnish to such child the necessary text books free of charge, in addition to such other necessary assistance or support.

Amount to be allowed. to Sec. 2. For the purposes in this act provided such board of education shall pay, during the school year, to the family of such child a sum not to exceed three dollars a week, nor more than six dollars a week for the children of any one family. Said money shall be paid in the same manner and out of the same fund as are the current expenses for the maintenance of public schools.

Monthly reports. Sec. 3. It shall be the duty of the truant officer or treasurer of the school board in any district where a child is receiving aid under the provisions of this act to disburse the funds herein provided for, and to investigate the environment of the child, and to make an itemized report monthly to the school board or some officer appointed by the board, of the manner in which such funds were expended: *Provided*, That in cities having a juvenile court such investigation shall be made by such court.

Approved April 29, 1911.

No. 220.—*Employment of women and children.*

SECTION 1. Sections nine, ten and eleven of act number two hundred eighty-five of the public acts of nineteen hundred nine, approved June two, nineteen hundred nine, \* \* \* are hereby amended to read as follows:

Ten-hour day. Sec. 9. No male under the age of eighteen years, and no female shall be employed in any factory, mill, warehouse, workshop, clothing, dressmaking or millinery establishment, or any place where the manufacture of any kinds of goods is carried on, or where any goods are prepared for manufacturing, or in any laundry, store, shop, or any other mercantile establishment for a

Hours per week. period longer than an average of nine hours a day or fifty-four hours in any week, nor more than ten hours in any one day; and all such establishments shall keep posted a copy of this section printed in large type, in a conspicuous place; in establishments having a time clock such copy shall be posted near the time clock. Copies of this section suitable for posting shall be furnished upon the application of any employer by the commissioner of labor: *Provided, however*, That the provisions of this section in relation to the hours of employment shall not apply to nor affect any person engaged in preserving perishable goods in fruit and vegetable canning establishments. No female under the age of eighteen years

Act to be posted. shall be employed in any manufacturing establishment between the hours of six o'clock p. m. and six o'clock a. m. No child under the age of sixteen years shall be employed in any manufacturing establishment or workshop, mine or messenger service in this State between the hours of six o'clock p. m. and six o'clock a. m. No child under the age of eighteen years shall be employed between the hours of ten o'clock p. m. and five o'clock a. m. in the transmission, distribution or delivery of messages or merchandise.

Exceptions. Night work. Sec. 10. No child under the age of twenty-one years shall be employed, permitted or suffered to work in any theater, concert hall, or place of amusement where intoxicating liquors are sold.

Employments forbidden. Age limit. No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any mercantile institution, store, office, hotel, laundry, manufacturing establishment, mine, bowling alley, theater, passenger or freight elevator, factory or workshop, telegraph or messenger service within this State. It shall be the duty of every mercantile institution, store, office, hotel, laundry, manufacturing establishment, mine, bowling alley, theater, workshop, telegraph or messenger service or any

Registers. person coming within the provisions of this act to keep a register in which will be recorded the name, birthplace, age and place

of residence of every person employed under the age of sixteen years, and it shall be unlawful for any such establishment or person to hire or employ, or permit to be hired or employed or suffered to work, any child under the age of sixteen years without there is first provided and placed on file in the business office thereof a permit issued by the superintendent of schools of the school district in which such child resides, or someone duly authorized by him in writing, or, where there is no superintendent of schools, by the county commissioner of schools, or someone duly authorized by him in writing, any of whom shall have power to administer oaths in relation thereto or by the judge of probate of the county wherein such child resides. Such permit shall be returned to the child upon leaving such employ; every limited vacation permit, hereinafter to be described, shall, upon its expiration be void and of no effect. The said register and permit shall be produced for inspection on demand of any factory inspector appointed under this act; no fee shall be charged for such permit by any officer by whom it shall be issued. Every employer complying with the provisions of this section shall be at liberty to employ the person so presenting the permit hereinbefore referred to, and is justified in considering and treating such person as of the age shown in such permit and shall not be liable, if it transpires that such person is under the age represented in such permit, to any greater extent than such employer would be liable if such person were of the age represented. The person authorized and required to issue such permit shall not issue the same until he has received, examined, approved and filed the following papers, duly executed.

Permits for children 14 years of age.

Permit as evidence.

(a) The school report of said child properly filled out and signed as hereinafter provided: *Provided, however,* That when such permit is issued during the summer vacation no such record shall be required, but all such permits, called in this act limited vacation permits, shall expire upon the first Monday in September, commonly called Labor Day, shall contain a conspicuous statement of the time at which they shall expire and shall be of a special color distinct from regular permits;

Proofs of age.

(b) A passport, or duly attested transcript of the record of birth, as kept by any duly authorized public authority, or a record of baptism or other religious record, showing the date and place of birth of such child;

(c) A statement from a physician connected officially with the board or department of health, which shall be required, however, only in case the above-mentioned official or religious record cannot be produced, which statement shall certify that, in the opinion of the physician issuing said statement, the child is fourteen years of age or upwards, is in sound health and physically able to perform the work which it intends to do. Such statement shall also certify to the correct weight and height of said child, and shall be kept on file by the person issuing working permits; such person may, in his discretion, require also an affidavit from the parents or other evidence, as additional proof of age;

(d) A statement by the issuing officer that he has examined said child, that in his opinion the child can read intelligently and write legibly simple sentences in the English language, that in his opinion the child is fourteen years of age or upwards, and has reached the normal development of a child of its age and is in sound health and physically able to perform the work which it intends to do, and that in his opinion the services of the child are essential to the support of itself or its parents. In doubtful cases, such physical fitness shall be determined by a medical officer of the board or department of health. Every such permit shall be signed in the presence of the officer issuing the same by the child in whose name it is issued; and shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the paper required by the preceding sections have been duly examined, approved and filed, and that the child named

Contents of permit.

in such permit has appeared before the officer signing the same and been examined. The school record required by this article shall be signed by the principal or chief executive officer of the school which such child has attended and shall be furnished on demand to a child entitled thereto. It shall contain a statement certifying that the child has regularly attended the public school or schools equivalent thereto or parochial schools for not less than one hundred days during the school year previous to his arriving at the age of fourteen years during the year previous to applying for such school record, and is able to read intelligently and write legibly simple sentences in the English language, and in the case of the public schools, has passed satisfactorily the work of the school up to and including the work of the fourth grade; in case of schools other than public schools the record shall contain, instead of a statement of the grade passed, a statement that the child has received during the above-mentioned period of a hundred days instructions in reading, writing, spelling, English grammar and geography, and is familiar with the fundamental operations of arithmetic up to and including elementary operations in fractions. Such school board shall also give the age and residence of the child as shown on the records of the school and the name of its parents or guardian or custodian: *Provided*, That in the case of limited vacation permits the school record and all other requirements relating to educational qualifications shall be waived, but all other requirements shall be complied with as prescribed in this section. Every month after the issuance of a permit the child shall report to the person who issued same, either in person or in writing through its parent or guardian, stating that the child is employed, giving the name of employer and the location of the place of employment, and if not employed said child shall be compelled to attend school;

Monthly re-  
port.

False state-  
ments.

(e) Any person who shall make a false statement, transcript, passport, school certificate, certificate of physical fitness, school record or any other writing required to be made or filed by the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten nor more than one hundred dollars or imprisonment for not less than ten days nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

Employments  
forbidden.

SEC. 11. No female under the age of twenty-one years and no male under the age of eighteen years shall be allowed to clean machinery while in motion nor employed in or about any distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled, nor in any hazardous employment, or where their health may be injured or morals depraved, nor shall females be unnecessarily required in any employment to remain standing constantly. No child under the age of sixteen years shall be employed in or about any theater, variety show, moving picture show, burlesque show, or other kind of playhouse, music or dance hall, pool room or billiard room: *Provided*, That in all cities in which the department of labor maintains a permanent office, the official in charge thereof shall be authorized and required, under the direction of the commissioner of labor, and in other cities or municipalities the superintendent of schools shall likewise be authorized and required to issue, upon demand, certificates of age to young persons past the age of sixteen years, in accord with the following conditions, to wit: The official authorized to issue such certificate shall not issue the same until he has received, examined, approved and filed the following papers, duly executed:

Permits for  
children 16  
years of age.

Proofs of  
age.

(a) A passport, or duly attested transcript of the record of birth, as kept by any recognized public authority or a record of baptism or other religious record, showing the date and place of birth of such young person;

(b) A statement from a physician connected officially with the board or department of health, which shall be required, however, only in case the above-mentioned official or religious record can

not be produced, which statement shall certify that, in the opinion of the physician issuing said statement, the young person is of the age stated therein. Such statement shall also certify to the correct weight and height of said young person, and shall be kept on file by the official issuing certificates of age; such official may, in his discretion, require also an affidavit from the parent of the young person concerned, or other evidence, as additional proof of age;

(c) A statement by the issuing officer that he has examined said young person, and that in his opinion the young person is of the age stated in said certificate of age. Every such certificate shall be signed, in the presence of the officer issuing same, by the young person in whose name it is issued, and shall state the date and place of birth of said person, and describe the color of the hair and eyes, the height and weight, and any distinguishing facial marks of such person, and that the papers required by the preceding section have been duly received, examined, approved and filed, and that the young person named in such certificate has appeared before the officer and been examined. Every employer complying with the provisions of this section shall be at liberty to employ the person so presenting the certificate hereinbefore referred to, and is justified in considering and treating such person as of the age shown in such certificate and shall not be liable, if it transpire that such person is under the age represented in such certificate, to any greater extent than such employer would be liable if such person were of the age represented;

(d) This act shall not be construed so as to prevent children under sixteen years of age from being employed by traveling theatrical companies whose employment consists of acting a part in the productions of such company.

Exemption.

Approved May 1, 1911.

No. 245.—*Workmen's compensation commission.*

SECTION 1. There shall be a commission of inquiry to consist of five members to be appointed by the governor from among the citizens of the State having special qualifications and knowledge concerning the matters to be considered, at least two of whom shall be representatives of labor employees. The members of the commission of inquiry shall serve without pay, but shall be allowed their necessary actual expenses incurred by them in performing their duties as members of said commission of inquiry, while traveling within this State.

Commission created.

SEC. 2. It shall be the duty of the commission of inquiry to fully investigate the conditions affecting, and the problems involved in the matter of compensation for accidental injuries or death of workmen arising out of and in the course of employments; to hold sessions in various parts of the State if they deem such sessions advisable for the purpose of securing the necessary information; and to inquire into the comparative efficiency and cost of such compensation under the laws of other States and countries relative to the same subject and as to the causes of accidents to employees in this State.

Duties.

SEC. 3. For the purposes of its investigation the said commission is hereby authorized to send for persons and papers, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the subjects of investigation mentioned in section two of this act, to purchase books and supplies, and to employ the necessary clerical and other assistance to accomplish the purposes of this act.

Powers.

SEC. 4. It shall be the duty of the commission of inquiry after full investigation as aforesaid, to prepare and submit to the next legislature or to any special session of the present legislature which may be called for the purpose, a full report including a form of law which in their opinion will meet the requirements of this subject in this State.

Report.

**Organization.** SEC. 5. The said commission shall as soon after its appointment as practicable meet at the capitol and organize by electing one of its members chairman. The commission of inquiry shall have the use of suitable quarters for its meetings and its requirements in the State capitol.

**Expenses.** SEC. 6. The said commission of inquiry shall have power to purchase books, stationery and other materials, and to travel in the performance of their duties; and their expenses incurred therein and in the performance of their duties including the employment of assistance mentioned in section three of this act and including likewise the cost of the publication of such a number of copies of their report as in their judgment shall be advisable, shall be audited and allowed by the State board of auditors upon vouchers and bills properly sworn to and duly certified by the chairman or some authorized member of the commission and shall be paid from the general fund of the State.

Approved May 1, 1911.

No. 254.—*Arbitration of labor disputes.*

**Act repealed.** SECTION 1. Act number two hundred thirty-eight of the public acts of eighteen hundred eighty-nine, entitled "An act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employees, and to authorize the creation of a State court of mediation and arbitration," the same being sections five hundred fifty-nine to five hundred sixty-eight of the Compiled Laws of eighteen hundred and ninety-seven, inclusive, as amended \* \* \* is hereby repealed.

Approved May 1, 1911.

MINNESOTA.

ACTS OF 1911.

CHAPTER 175.—*Injuries by intoxicated persons—Rights of employers.*

**Recovery against seller.** SECTION 1. Every \* \* \* employer, or other person, who shall be injured in person or property, or means of support, by any intoxicated person, or by the intoxication of any person, shall have a right of action, in his or her own name, against any person, who shall by illegally selling, bartering, or giving intoxicating liquors, have caused the intoxication of such person, for all damages sustained; \* \* \*

Approved April 18, 1911.

CHAPTER 184.—*Employment of women and children.*

SECTION 1. Section six of chapter 499 General Laws of Minnesota 1909 is hereby amended to read as follows:

**Sanitation.** Section 6. Every factory and workshop in this State where women and children are employed and where dusty work is carried on shall be limewashed or painted at least once in every twelve months.

Every floor of any room in said factory shall be thoroughly cleaned with soap and water at least once in six months and every dressing room and water closet in said factory shall be thoroughly cleaned with soap and water once in every week.

Any employer, superintendent, owner or other agent of any mercantile, manufacturing or mechanical establishment who violates any of the provisions of this chapter shall be guilty of a misdemeanor.

Approved April 18, 1911.

CHAPTER 274.—Private employment offices.

SECTION 1. Section 1825, Revised Laws of 1905 \* \* \* is hereby amended, so as to read as follows:

Section 1825. No person, copartnership, or corporation shall conduct an employment bureau or agency and receive compensation for services as such, or solicit or procure laborers on the streets of a city or village without such person, copartnership or corporation having a license. Any person, copartnership, or corporation, desiring to conduct an employment bureau or agency, and to receive compensation for services as such or who wish to procure or solicit laborers on the streets of a city or village shall be entitled to a license therefor upon compliance with the conditions of this section. Application for such license shall be made by the person, or copartnership or when a corporation by its managing officer to the council of the city or village, wherein its principal place of business is located, or if outside a city or village, to the county board, and the applicant shall pay into the treasury of the city, village or county issuing the license a fee as herein provided and such license shall be issued for one year from the date of issue.

License required.

For a general employment bureau license, one hundred and fifty (\$150) dollars; which license shall authorize the holder thereof to secure employment for both males and females. For a male employment bureau license, one hundred (\$100) dollars; which license shall authorize the holder thereof to secure employment for males only. For a female employment bureau license, seventy-five (\$75.00) dollars; which license shall authorize the holder thereof to secure employment for females only. He shall also deliver to such council or board a bond to the State, to be approved by the council or board issuing the license, in the sum of two thousand (\$2000) dollars for a general or male employment bureau license, and one thousand (\$1000) dollars for a female employment bureau license, conditioned for the payment of all damages sustained by any person engaged by the licensee to labor for others, by reason of any breach of contract entered into by such licensee with any person for whom he agrees to secure employment or any fraud or misrepresentation of the licensee or any of his agents or servants, and an action on such bond may be maintained thereon, in his own name, by any person so damaged. The bond shall be filed with the city clerk, village recorder or county auditor, as the case may be. So long as the licensee continued to reside or maintain his office at the place mentioned in the license, he may engage in such business in any part of the State.

License fees.

SEC. 2. Section 1826 \* \* \* is hereby amended, so as to read as follows:

Section 1826. Such licensee shall enter in a book kept by them for the purpose, a memorandum of the terms of employment of every person engaged by him to work for another, showing the rate of wages, the kind of service, the period of employment, and the name and address of the person for whom the service is to be rendered, in the following form:

Records.

Manager	Name of Company	Location.
		Date_____
Name of person giving order_____		
Acting for_____		
Name of applicant_____		
Nature of employment_____		
Duration of employment_____		
Name and address of parent or guardian_____		
To report at_____		
Wages: Per hour_____ day_____ week_____ month_____		
Board: \$_____ per week; \$_____ per month.		

- He shall furnish to each person so employed duplicate copies of such memorandum one of which the latter shall deliver to his employer at the beginning of his service. Any person failing, by reason of any fraud, misrepresentation or want of authority, on the part of such agency or bureau, to receive employment as provided in the memorandum, may sue and recover upon the bond all damages sustained by reason of such failure. Such licensee shall not, nor shall any agent, servant or other person, acting for him or on his behalf, charge or receive, either directly or indirectly from any applicant for employment, a registration, application or other fee, except as herein provided. No fee or charge shall be received or made by any such licensee from such applicant for any purpose whatever, unless and until such licensee has a bona fide order from an employer for the services of such applicant; such order must be in writing, or by telegram or telephone, and appear in its chronological place in the order book of said licensee. He shall, upon the request of said applicant, at the time of, or at any time subsequent to receiving said fee, exhibit to said applicant, said order or order book; a refusal upon his part so to do shall be prima facie evidence that the taking of said fee was fraudulent and contrary to the provisions of this statute.
- Fraud.**
- Orders to be bona fide.**
- Enforcement.** The records of such agency or bureau shall at all times be subject to inspection by the commissioner of labor and his assistants, the license inspector of the city or village, and the county or city attorney, whose duty it shall be to enforce the provisions of this statute.

Approved April 19, 1911.

#### CHAPTER 288.—*Factory regulations.*

[This chapter amends sections 1813-1818, and 1824 of the Revised Laws. Section 1813 is amended by adding thereto the following:]

- Use of dangerous machinery.** If a machine or any part thereof is in a dangerous condition or is not properly guarded, the use thereof may be prohibited by the commissioner of labor or his assistants and a notice to that effect shall be attached thereto. Such notice shall not be removed until the machine is made safe and the required safeguard provided, and in the meantime such unsafe or dangerous machinery shall not be used.
- Exhaust fans.** [Section 1814 is amended by requiring exhaust fans for other dust creating as well as for emery wheels and grindstones; also by adding a provision requiring speaking tubes or other means of communication between rooms where machinery is used and the engineer is in control of power.
- Hoistways.** The barriers about hoistways, etc., required by section 1815, are directed to be of metal, and the exemption as to elevators insured by an authorized insurance company is stricken out, making them now subject to the supervision of the bureau of labor.
- Fire escapes, etc.** Section 1816 is amended by an addition requiring signs to be placed at the egresses to fire escapes; also by giving the factory inspectors power to order the steps of stairs in factories to be substantially covered with rubber.
- Drop ladders.** Section 1817 is amended by a provision requiring drop ladders of fire escapes to be automatic, and to be two feet wide, instead of twelve inches, as formerly.
- Water-closets, etc.** Section 1818. The amendments to this section fix the number of water-closets in factories at a minimum of one to every twenty-five employees, and direct a supply of cuspidors of an approved form and number.
- Notices.** Section 1824. The amendment makes it an offense to remove the danger notice from a machine, or to operate it while such notice is attached and the machine is still unsafe.]

Approved April 19, 1911.

CHAPTER 308.—*Assignment of wages.*

SECTION 1. 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 such resident. 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 or order is attached thereto.

Employer to accept.

Filing.

Wife's consent.

Approved April 20, 1911.

CHAPTER 322.—*Railroads—Installation of block system.*

[This chapter amends section 2 of chapter 276, Acts of 1907, by requiring railroads proposing to install interlocking plants, block signal systems, or other safety devices, to secure the approval of the State railroad and warehouse commission as to the type proposed, and submit the same to its inspection before operation.]

Approval required.

Approved April 20, 1911.

CHAPTER 354.—*Guards for dangerous machinery—Corn shredders.*

SECTION 1. No person, firm or corporation shall sell, offer or expose for sale any machine to be operated by steam or other power, for the purpose of husking or shredding corn, or corn stalks unless the said machine shall be proved [provided] with reasonable safety devices approved by the commissioner of labor for the protection from accidents from the snapping rollers and husking rollers, and shall be so guarded that the person feeding said machine shall be compelled to stand at a reasonable safe distance from the snapping rollers.

Guards to be provided.

SEC. 2. No person, firm or corporation shall use, operate or permit to be used or operated any such machine purchased prior to the passage and publication of this act, unless during all the time such machine shall be used and operated, it shall be in charge of a competent person, whose sole duty shall be to oversee and attend to the operating and use of the same.

Prior purchases.

Approved April 20, 1911.

**MISSOURI.**

**ACTS OF 1911.**

*Public buildings—Preference of domestic materials in construction.*

(Page 107.)

SECTION 1. It shall be the duty of public officers in contracting for the erection of public buildings, State, county and municipal, to provide for the use of products of the forests, quarries and ruins of this State, when the same can be furnished on as favorable terms and of equal quality.

Local products to be used.

Approved March 27, 1911.

*Employment of children—General provisions.*

(Page 132.)

SECTION 1. Sections 1715 \* \* \* [to] 1726 of the Revised Statutes of Missouri of 1909, pertaining to the "Employment of children," are hereby repealed, and new sections \* \* \* are hereby enacted in lieu thereof, as follows:

- Age limit.** Section 1715. No child under the age of fourteen years shall be employed, permitted or suffered to work at any gainful occupation within this State, except at agricultural pursuits, and in domestic service.
- Hours of labor.** Sec. 1716. No child under the age of sixteen years shall be employed, permitted or suffered to work at any gainful occupation in this State more than forty-eight hours in any one week, nor more than eight hours per day; nor before the hour of seven o'clock in the morning, nor after the hour of seven o'clock in the evening.
- Night work.** Every employer shall post in a conspicuous place in every room or place where such minors are employed a printed notice stating the hours of service required of them each day of the week, the hours of commencing and stopping work, and the hour, or hours, when the time, or times, allowed for meals begin and end. The printed form of such notice shall be furnished by the State factory inspector.
- Schedule to be posted.** Sec. 1717. It shall be the duty of every person, firm or corporation, employing minors over fourteen and under sixteen years of age within this State to keep two complete lists containing the names, ages and places of residence of all such children employed therein, one on file, and one conspicuously posted near the principal entrance of the place or establishment in which such children are employed.
- Registers.** Sec. 1718. No child under sixteen years of age, and over fourteen years of age, shall be employed, permitted or suffered to work in this State unless there is first produced and placed on file at the time of employment, and accessible to any factory inspector, and to any school attendance officer, or to any other authorized officer, an employment certificate as hereinafter prescribed. On termination of the employment of any such child, such certificate shall be forthwith surrendered by the employer to the owner thereof, or in the event said certificate is not called for within thirty days, it shall be transmitted by the employer to the person who issued the same.
- Employment certificates.** Sec. 1719. An employment certificate shall be issued only by the superintendent of instruction of any board of education in this State, or by a person authorized by him in writing, or, where there is no superintendent of instruction, by a person authorized by the board of directors of any school district in this State.
- Who to issue.** Sec. 1720. The person so authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved and filed the following papers, duly executed:
- Proof required.**
1. The school record of such child, properly filled out and signed by the principal or chief executive officer of the school which such child has attended. It shall contain a statement certifying that the child has regularly attended the public schools, or schools equivalent thereto, or parochial schools, and is able to read and write simple sentences in the English language. Such school record shall also give the date of birth and residence of the child, as shown on the record of the school, and the names of its parent, guardian, or custodian.
  2. A passport, or duly attested transcript of the certificate of birth, or baptism, or other religious record, showing the date and place of birth of such child.
  3. An affidavit of the parent or guardian or custodian of a child (which shall not be accepted, however, unless a passport or certificate of birth, or baptism, or other religious record is not obtainable), showing the date and place of birth of such child. Such affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath without demanding or receiving any fee therefor.
- Issue of certificate.** Sec. 1721. No employment certificate shall be issued until the child in question has personally appeared before and been examined by the officer issuing the certificate, nor until such officer, after making such examination, has signed and filed in his office a statement that the child can read and legibly write simple

sentences in the English language, and that in his opinion, the child is fourteen years of age or over, and has reached the normal development of a child of its age, and is in sufficiently sound health and physically able to perform the work it intends to do. Whenever such officer issuing the employment certificate requests it, such normal development, sound health and physical fitness shall be determined by a medical officer of the board or department of health or by a regularly licensed physician.

Sec. 1722. Every such employment certificate shall state the name, sex, residence, the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight, and any distinguishing physical marks of such child, and that the papers required by the preceding sections have been duly examined, approved and filed, and that the child named in such certificate has appeared before the officer signing it. Every such certificate shall be signed in the presence of the officer issuing it by the child in whose name it is issued. It shall show the date of its issue. In the event such employment certificate is lost, duplicates may be issued upon the payment of a fee of 50 cents for each duplicate, which shall be paid into the general school fund.

Sec. 1723. All such employment certificates shall be subject to review by the factory inspector, or by any of his assistants or deputies, and may by him be cancelled if he finds such certificate has been obtained through fraud, misrepresentation or falsification of facts. In such cases the factory inspector shall give written notice to the employer, who shall at once cause the minor affected to be dismissed from employment. The factory inspector or his assistant or deputy shall also have the power to demand a certificate of physical fitness from some regularly licensed physician in the case of children who may seem to said inspector physically unable to perform the labor at which they may be employed; and no such child shall be employed who can not obtain such a certificate.

Sec. 1724. Such employment certificate shall be printed, the printed form to be furnished by the State factory inspector, and shall be filled out, signed and held for surrender in the following form:

EMPLOYMENT CERTIFICATE.

I, -----, (here officer issuing certificate shall insert his name and official title and by what authority he issues said certificate) hereby certify that there personally appeared before me -----, (here insert name of child), and that he, or she, has been duly examined by me and found by me to be able to read and legibly write simple sentences in the English language; and I further certify that in my opinion the said child is fourteen years of age or over and has reached the normal development of a child of his, or her, age, and is in sufficiently sound health and physically able to perform the work which he, or she, intends to do, which, according to the statement of the child, is as follows: ----- (here insert kind of work child states he, or she, intends to perform).

I further certify that I have received, examined, approved, signed and filed in my office at -----, (here insert address of officer issuing certificate), the papers required by the statutes of Missouri pertaining to the issuance of employment certificates to children over fourteen years of age.

I further certify that the child in whose name this certificate is issued, has signed his, or her, name in my presence. His, or her, full name is -----, (here insert full name of child in whose behalf certificate is issued). ----- (here state whether male or female child); residence -----; born on the ---- day of ---- (month); ---- (year), at ----- (place of birth); color of hair is -----; of eyes is -----; height, -----; weight, -----; ----- (here insert distinguishing facial marks).

Contents.

Review.

Form.

In the event this certificate is lost, a duplicate may be issued upon the payment of a fee of 50 cents.

Signed this \_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_ (year), at \_\_\_\_\_ (place of issuance).

\_\_\_\_\_  
\_\_\_\_\_  
(Signature and official title of officer issuing certificate.)

\_\_\_\_\_  
\_\_\_\_\_  
(Signature and address of child on whose behalf certificate is issued.)

- Monthly reports.      Sec. 1725. The superintendent of instruction, or other person authorized to issue employment certificates, shall transmit, between the first and tenth days of each month, to the office of the factory inspector, upon blanks to be furnished by him, a list of the names of the children to whom certificates have been issued. Such list shall give the name of the prospective employer, if known, and the nature of the occupation the child intends to engage in.
- Evidence of employment.      Sec. 1726. The presence of any person under the age of sixteen years in any place where labor is employed, shall constitute prima facie evidence of his, or her, employment therein.
- Street trades, etc.      Sec. 1726a. No boy under ten, and no girl under sixteen years of age shall sell, or expose, or offer for sale, newspapers, magazines, periodicals, or other merchandise in any street or hotels, railway stations, places of public amusement, places where intoxicating liquors are manufactured or sold or public office building within the State.
- Occupations forbidden.      Sec. 1726b. No child under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations or in any of the following positions: Sewing machine belts in any workshop or factory, or assisting therein in any capacity whatever; adjusting any belt to any machinery; oiling, wiping or cleaning machinery or assisting therein; operating, or assisting in operating circular saws; wood jointers; wood shapers; planers; sandpaper or wood-polishing machinery; picker machines; machines used in picking wool; machines used in picking cotton; machines used in picking hair; machines used in picking upholstering material; paper-lacing machines; leather-burnishing machines; burnishing machines in any tannery or leather manufactory; job or cylinder printing presses, operated by power other than foot power; emery or polishing wheels used for polishing metal; wood-turning or boring machinery; stamping machines used in sheet-metal and tinware manufacturing; stamping machines used in washer and nut factories; corrugating rolls, such as are used in roofing and washboard factories; steam boilers; steam machinery; or other steam generating apparatus; dough brakes; or cracker machinery of any description; wire or strengthening machinery; rolling mill machinery, punches or shears; washing, grinding or mixing mills; calendar rolls in rubber manufacturing; laundering machinery.
- Same.      Sec. 1726c. No child under the age of sixteen years shall be employed, permitted or suffered to work in any capacity in, about or in connection with the—preparing any composition in which dangerous or poisonous acids or alkalies are used; manufacture of paints, colors or white lead; dipping, drying or packing matches; manufacturing, packing or storing powder, dynamite, nitroglycerine compounds, fuses or other explosives; manufacture of goods for immoral purposes; nor in, about or in connection with any—brewery, or other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled; hotel; concert hall; moving picture shows; pool and billiard halls; wholesale drug store; saloon, or place of amusement; nor in operating any automobile, motor car or truck; nor in bowling alleys; nor in any other employment declared by the State factory inspector to be dangerous to lives and limbs, or injurious to the health or morals of children under the age of sixteen.

Sec. 1726d. The violation of any of the provisions of this act shall be deemed a misdemeanor and every day's violation shall constitute a separate offense, and any person, firm or corporation committing such violation shall be punished by a fine of not more than \$100, or by imprisonment in the county jail not exceeding one year, or by both such fine and punishment.

Violations.

Approved, April 7, 1911.

*Garnishment of wages—Service—Wages earned outside State.*

(Page 141.)

SECTION 1. No wages shall be attached or garnished before the suit be brought in the county where the defendant resides, or in the county where the debt is contracted and the cause of action arose or accrued, and in cities over one hundred thousand inhabitants in the "city" where the defendant resides or the debt is contracted and the cause of action accrued: *Provided*, The petition or statement filed in the cause and the writ or summons of attachment or garnishment shall affirmatively show the place where the defendant resides and the place where the debt is contracted and the cause of action arose.

Personal service required.

SEC. 2. Wages earned out of this State, shall be exempt from attachment or garnishment in all cases where the cause of action arose or accrued 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. In all actions commenced in this State in which it is sought to garnish or attach wages, the petition or statement filed in such cause and the summons or writ of garnishment or attachment shall affirmatively show the place where the defendant resides and the place where the debt is contracted and the cause of action arose.

Wages earned outside State.

Approved April 18, 1911.

*Garnishment of wages of railroad employees.*

(Page 142.)

SECTION 1. Section 2427 of the Revised Statutes \* \* \* is hereby amended \* \* \* so that said section, when so amended, shall read as follows:

Section 2427. Except as hereinafter provided, no garnishment shall be issued by any court in any cause where the sum demanded is two hundred dollars or less, and where the property sought to be reached is wages due the defendant by any railroad corporation, until after judgment shall have been recovered by the plaintiff against the defendant in the action: *Provided*, This section shall not apply when the debt or claim sued for was contracted or accrued in this State: *Provided further*, In such cases the petition or statement filed in the cause and the writ or summons of garnishment shall affirmatively show that the debt or claim sued for was contracted or accrued in this State and is owing to a bona fide citizen or resident of this State.

Prior judgment required.

Proviso.

Approved April 18, 1911.

*Garnishment of wages of railroad employees.*

(Page 142.)

SECTION 1. Section 2428 of the Revised Statutes \* \* \* is hereby amended \* \* \* so that said section when so amended shall read as follows:

Section 2428. Except as hereinafter provided, no railroad corporation shall be required to make answer to any interrogatories propounded to it, in any action against any person to whom it

Writs issued in advance of recovery.

may be indebted on account of wages due for personal services, nor shall any default or other liabilities attach because of its failure to so answer in such cases, where a writ of garnishment was issued or served in advance of the recovery by the plaintiff against the defendant, in any action for two hundred dollars or less; and any judgment rendered against any railroad corporations for its said failure or refusal to make answer to any garnishment so issued or served before the recovery of final judgment in the action between the plaintiff and defendant in the cases mentioned in section 2427, shall be void, and any officer entering said judgment or who may execute the same shall be taken and considered a trespasser and in addition thereto may be enjoined by any court having jurisdiction: *Provided*, This section shall not apply when the debt or claim sued for was contracted or accrued in this State: "*Provided further*, In such cases the petition or statement filed in the cause and the writ or summons or garnishment shall affirmatively show that the debt or claim sued for was contracted or accrued in this State and is owing to a bona fide citizen or resident of this State."

Approved April 18, 1911.

*Assignments of wages.*

(Page 143.)

**Requisites.** SECTION 1. All assignment[s] 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.

**Future earnings.**

Approved April 7, 1911.

*Payment of wages—Semimonthly pay day.*

(Page 150.)

**Wages to be paid semi-monthly.** SECTION 1. 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.

**Violations.** SEC. 2. Any corporation violating section 1 of this act, 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.

Approved April 19, 1911.

*Railroads—Construction of caboose cars.*

(Page 157.)

**Dimensions and equipment.** SECTION 1. Except when authorized by the railroad and warehouse commissioners to use a caboose of a different kind or character, it shall be unlawful for any person, persons, partnership, or corporation, while operating within the State of Missouri, any railroad or railway in whole or in part within said State, either as owner, lessee, or receiver, to require or permit the use of any caboose cars in any commerce, traffic, transportation or intercourse between two or more points or places wholly within said State, unless said caboose cars shall be at least twenty-eight feet in length, exclusive of platforms, and shall be provided a door in each end thereof, and with suitable water-closets, cupolas, platforms, not less than thirty inches wide across each end thereof, and that said platforms shall be equipped with guard rails, grab irons and steps for the safety of persons in alighting or getting on said caboose cars, and said caboose cars shall be equipped with at least two four wheel trucks: *Provided*, That the provisions of this act shall not apply to any caboose cars now in operation in

this State, which now comply with this act, with the exception of end platforms and end doors as provided for.

SEC. 2. \* \* \* It shall be the duty of the members of the board of railroad and warehouse commissioners to report the violation of any of the provisions of this act to the attorney-general or the prosecuting attorney of any county wherein the violation occurred.

Enforcement.

SEC. 3. Any employee of any person, persons, partnership, or corporation so operating any such railroad or railway, who may be injured in consequence of the use of any caboose car aforesaid, contrary to the provisions of this act, shall not be deemed to have assumed the risk thereby occasioned, not to have been guilty of contributory negligence, because of continuing in the employment of any person, persons, partnership or corporation aforesaid, or in the performance of his duties as such employee, after the unlawful use of any such caboose car shall have been brought to his knowledge.

Violations.

Approved March 30, 1911.

*Liability of employers for injuries causing death—Acts of employees.*

(Page 203.)

[This act amends section 5425, Revised Statutes, 1909, (sec. 2864, Revised Statutes, 1899, as amended by an act, page 135, Acts of 1905), by charging the officer, agent, or employee of a common carrier, whose negligence or wrongful act caused the injury, with liability for damages, to be recovered in a suit at law. The action may be brought against such person jointly with his employer, or severally, at the option of the person suing.]

Person causing injury.

Approved April 3, 1911.

*Factory regulations—Bakeries, etc.*

(Page 258.)

SECTION 1. Every building, room, basement, or cellar occupied or used as a bakery, confectionery, cannery, packing house, slaughterhouse, restaurant, hotel, dining car, grocery, meat market, dairy, creamery, butter factory, cheese factory, or other place or apartment used for the preparation for sale, manufacture, packing, storage, sale or distribution of any food, shall be properly lighted, drained, plumbed and ventilated and conducted with strict regard to the influence of such condition upon the health of the operatives, employees, clerks or other persons therein employed, and the purity and wholesomeness of the food therein produced; and for the purpose of this act the term, "food," as used herein, shall include all articles used for food, drink, confectionery condiment, whether simple, mixed or compound, and all substances or ingredients used in the preparation thereof.

Sanitation.

SEC. 3. The ceilings of every bakery, confectionery, hotel and restaurant kitchen shall be well plastered, wainscoted or celled with metal or lumber and shall be oil painted or kept well lime washed and all interior woodwork in every bakery, confectionery, hotel, dining car, and restaurant kitchen shall be kept well oiled or painted with oil paints, and be kept washed clean with soap and water; and every building, room, basement or cellar, occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food, shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable non-absorbent material which can be flushed and washed clean with water.

Same.

SEC. 5. Every building, room, basement or cellar, occupied or used for the preparation, manufacture, packing, canning, sale or distribution of food, shall have convenient toilet or toilet rooms, separate and apart from the room or rooms where the process of

Toilet rooms.

- production, manufacture, packing, canning, selling or distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick or other nonabsorbent material and shall be furnished with separate ventilating flush or pipes, discharging into soil pipes, or on outside of the building in which they are situated.
- Wash rooms.** Lavatories and wash rooms shall be adjacent to toilet rooms, and shall be supplied with soap, running water and towels, and shall be maintained in a sanitary condition. Operatives, employees, clerks and all other persons, who handle the material from which food is prepared, or the finished product, before beginning work or after visiting toilets, shall wash their hands and arms thoroughly with soap and clean water.
- Cuspidors.** SEC. 6. Cuspidors for the use of operatives, employees, clerks or other persons shall be provided whenever necessary, and each cuspidor shall be thoroughly emptied and washed out daily with disinfectant solution and five ounces of such a solution shall be left in each cuspidor while it is in use. No operative, employee or other person shall expectorate on the floor or sidewalks of any building, room, basement or cellar where the production, manufacture, packing, storing, preparation or sale of any food is conducted.
- Sleeping, etc., in work rooms.** SEC. 7. No person or persons shall be allowed to live or sleep in any room of a bakeshop, kitchen, dining room, confectionery or place where food is prepared, served or sold.
- Contagious and infectious diseases.** SEC. 8. No employer shall require, permit or suffer any person to work, nor shall any person work, in a building, room, basement, cellar or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution and transportation of food, who is affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis or consumption, bubonic plague, Asiatic cholera, eczema or other skin diseases, leprosy, eye disease, typhoid fever (epidemic), epidemic dysentery, measles, mumps, German measles (Rothein), whooping cough, chicken pox or any other infectious disease.
- Inspection.** SEC. 9. The State [food] and drug commissioner and his assistants or agents by him appointed, the State, county, city and town health officers shall have full power at any time to enter and inspect every building, room, basement or cellar, occupied or used, or suspected of being used, for the production for sale, manufacture for sale, storage, sale distribution or transportation of food and all utensils, fixtures, furniture and machinery used as aforesaid, and if upon inspection any food producing or distributing establishment, conveyance, employer, operative, employee, clerk, driver or other person is found to be violating any of the provisions of this act, or if the production, cooking, preparation, manufacture, packing, storing, sale distribution or transportation of food is being conducted in a manner detrimental to the health of the employees and operatives and the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector, making the examination or inspection, shall furnish evidence of said violation to the prosecuting attorney of the county in which the violation occurs, and it shall be the duty of all prosecuting attorneys to represent and prosecute, in behalf of the people, when called upon by the food and drug commissioner to do so, all such cases of offense[s] arising under the provision of this act. When complaint is made by the said food and drug commissioner, security for costs shall not be required of the complainant in any case at any time of the prosecution or trial.

Approved March 30, 1911.

*Free public employment offices.*

(Page 310.)

Office to be established where. SECTION 1. Section 7794, of the Revised Statutes of Missouri, is hereby repealed, and the following new section enacted in lieu thereof, to be known as 7794, which shall read as follows:

Section 7794. The commissioner of labor statistics shall organize and establish in all cities in Missouri, now containing or which may contain hereafter, according to the last preceding national census, seventy-five thousand inhabitants or more, a free public employment bureau for the purpose of receiving applications of persons seeking employment and applications of persons seeking to employ labor. No compensation or fee shall be charged or received, directly or indirectly, for persons applying for employment through any such bureau. Such commissioner shall appoint for each bureau one superintendent and may appoint for each one clerk, and may remove the same for good and sufficient cause. The salary of the superintendents shall not exceed one hundred dollars per month, and the salary of the clerks shall not exceed seventy-five dollars per month. Such salaries and expenses of such bureaus shall be paid in the same manner as other expenses of the bureau of labor statistics.

Approved March 27, 1911.

*Hours of labor of female employees.*

(Page 311.)

SECTION 1. Sections 7815 and 7816 of the Revised Statutes of Missouri, 1909 [act, page 616, Acts of 1909], are hereby repealed and two new sections enacted in lieu thereof, to be numbered 7815 and 7816, which shall read as follows:

Section 7815. No female shall be employed in any manufacturing or mechanical and mercantile establishments, laundry or work-shop, in this State, more than nine hours during any one day, nor more than fifty-four hours during any one week. Nine-hour day.

Sec. 7816. Any employer or overseer, superintendent, foreman, agent or any other employee who shall require or permit or suffer any female to work in any of the places mentioned in section 7815 of this act more than the number of hours therein specified, or any employer who permits or suffers any overseer, superintendent, foreman, agent or other employee to require or to permit or to suffer any female to work in any of the places mentioned in section 7815 of this act more than the number of hours therein specified shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than twenty-five dollars nor more than one hundred dollars. Violations.

Approved April 7, 1911.

*Mine regulations, lead, zinc, etc., mines.*

(Page 317.)

SECTION 1. Article 2. of chapter 81, of the Revised Statutes of Missouri, 1909, is hereby amended by adding thereto a new section to be known as section 8467a, and which section shall read as follows:

Section 8467a. Whenever the inspectors of lead mines, zinc mines or mines other than coal receive a complaint in writing, signed by one or more persons, employed in a lead mine, zinc mine or mine other than coal, setting forth that the mine in which he is employed is being operated contrary to law, and is dangerous in any respect to the health or lives of those employed therein, the inspector must examine such mine as soon as possible. The names of the persons making such complaint shall not, under any circumstances, be divulged to any person by said inspector except such action be necessary in the administration of justice in the courts of the State: *Provided, however,* That such complaint shall in all cases set forth the alleged violation of law observed, the nature of the danger existing at the mine, and shall distinctly set forth whether or not any notice of such defect or danger has been given by the complainants, or anyone else, to their knowledge to the superintendent or other person in charge of the mine. If, after such inspection, the inspector finds the conditions, in his opinion, dangerous to the health and lives of those employed in Complaints.

such mine, he shall serve a notice in writing, setting forth fully the facts upon which his opinion is based, upon the operator or any person having charge of such mine, and shall thereafter take such steps to remedy such danger and to compel compliance with the provisions of this act, as the inspector could take in any case arising under section 8467 of this act. It shall be the duty of the inspector to forward every such original complaint, so received, to the bureau of mines, mining and mine inspection, where it shall be indexed and filed among the official papers of the said bureau.

Approved April 3, 1911.

*Mine regulations—Storing explosives.*

(Page 320.)

- Storage for-  
bidden. SECTION. 1. No person, partnership or corporation, nor any agent of any such person, partnership or corporation, engaged in mining for lead ore, zinc ore or any ore other than coal, shall permit any blasting powder or any high explosive containing nitroglycerine, to be stored in any such mine: *Provided, however,* That nothing in this section shall be construed to prevent the storing in any such mine of sufficient blasting powder or other high explosive to meet the estimated requirements of such mine during the succeeding twenty-four hours: *And provided further,* That such temporary supply shall not be kept at any place within such mine, where its accidental discharge would cut off the escape of miners working therein.
- Proviso. Magazines. SEC. 2. All blasting powder, or other high explosive, in excess of the temporary supply required in such mine as designated in the next preceding section, shall be stored in a magazine, placed not less than three hundred feet distant from any shaft, habitation, public highway, public railway, or from the boundary line of any mining property: *Provided, however,* That in cases where the location of any mining property makes it impossible to comply with the provisions of this section, the State inspector of mines may grant permission, in writing, to the operator of such mining property, or such operator's agent, to place such magazine in some other place on such mining property, if, in the opinion of such inspector, such location shall not be dangerous to the safety of those employed within such mine: *And provided further,* That every magazine, where powder or other high explosive is stored, as provided in this section, shall be ventilated.
- Detonators. SEC. 3. No detonators or explosive caps shall be kept in the same magazine with any blasting powder or other high explosive.
- Preparing ex-  
plosives. SEC. 4. No person, partnership or corporation, nor any agent of any such person, partnership or corporation, engaged in mining as defined in section one of this act, shall permit any blasting powder or other high explosive to be prepared for firing or blasting in any magazine in which such blasting powder or other high explosive shall be stored.
- Violations. SEC. 5. Any person, partnership or corporation, or the agent of any such person, partnership or corporation, who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than five hundred dollars and not less than one hundred dollars.

Approved March 27, 1911.

**MONTANA.**

**ACTS OF 1911.**

**CHAPTER 15.—Free public employment offices.**

SECTION 1. Section 288 of the Revised Codes of 1907 [shall] be amended so as to read as follows:

Section 288. It is the duty of the common council of any incorporated city of the first or second class within this State,

Offices to be established.

and it shall be lawful for the common council of any incorporated city other than a city of the first or second class within this State, to provide for the establishment of a free public employment office to be conducted on the most approved plans, and to provide for the expenses thereof out of the revenues of the city in which the same is established. The annual report of the commissioner of agriculture, labor and industry shall contain a detailed account of the transactions of all free employment offices within this State, showing the number of applicants for help, the number of applicants for employment, male and female, the number securing employment through said offices, and the expenses thereof.

Reports.

Approved February 10, 1911.

CHAPTER 21.—*Hours of labor of employees in mines and tunnels.*

SECTION 1. Section 1736 of the Revised Codes of 1907 is hereby amended to read as follows:

Section 1736. The period of employment of working men in all underground mines or workings, including railroad or other tunnels, shall be eight (8) hours per day, except in case of emergency where life and property is in imminent danger.

Eight-hour day.

Approved February 11, 1911.

CHAPTER 29.—*Liability of railroad companies for injuries to employees.*

SECTION 1. Every person or corporation operating a railroad in this State shall be liable in damages to any person suffering injury while he is employed by such person or corporation so operating any such railroad, or, in case of the death of such employee, instantaneously or otherwise, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent, upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such person or corporation so operating such railroad in or about the handling, movement or operation of any train, engine or car, on or over such railroad, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves or other equipment.

Liability declared.

Acts of fellow servants.

Defective appliances, etc.

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

Negligence to be measured.

SEC. 3. An employee of any such person or corporation so operating such railroad shall not be deemed to have assumed any risk incident to his employment when such risk arises by reason of the negligence of his employer or of any person in the service of such employer.

Risks not assumed, when.

SEC. 4. Any contract, rule, regulation or device whatsoever, the purpose or intent of which shall be to enable any such person or corporation so operating such railroad to exempt itself from any liability created by this act shall, to that extent, be void: *Provided*, That in any action brought against any such person or corporation so operating such railroad, under or by virtue of any of the provisions of this act, such person or corporation may set

Contracts, etc., exempting from liability.

Set-offs.

off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee, or the person entitled thereto, on account of the injury or death for which said action is brought.

Approved February 16, 1911.

CHAPTER 56.—*Assignments of wages—Wage brokers.*

- License re- SECTION 1. From and after the passage of this act, no person, quired. company, corporation, or association, shall establish or conduct the business of wage broker within the State of Montana, unless such person, company, corporation or association, shall have first procured a license from the proper authorities as hereinafter provided, and shall have executed a bond in such sum as said authorities may require for the faithful carrying out of the provisions of this act, and of the ordinances of any town or city in which such business may be carried on.
- Who may grant licenses. SEC. 2. The board of county commissioners of any county in this State, or, in case said business be carried on in any incorporated city or town, the city council or board of trustees of said city or town, may in their discretion from time to time, grant license to any person or persons, company, corporation, or association to conduct or carry on the business of wage broker upon payment of such sum thereof and upon such terms and conditions as the said board of county commissioners or city council or board of trustees shall [shall] by resolution or ordinance require.
- Wage brokers. SEC. 3. Any person, company, corporation, or association parting with, giving or loaning money, either directly or indirectly to any employee, or wage-earner, upon the security of, or in consideration of any assignment or transfer of wages or salary of such employee, or wage-earner, shall be deemed to be a wage broker within the meaning of this act.
- Assignment to be specific. SEC. 4. No assignment of his or her wages or salary by any employee or wage-earner to any wage broker for his or her benefit shall be valid or enforceable, nor shall any employer or debtor recognize or honor such assignment for any purpose whatever, unless it be for a fixed and definite part or all, of the wages or salary theretofore earned.
- Rate of interest. SEC. 5. No wage broker shall ask, demand or receive, either as compensation or interest, or in any other manner, directly or indirectly, any compensation or interest for the use of money advanced or loaned by him to any employee or wage-earner in excess of twelve per cent per annum, and said compensation or rate of interest shall be computed upon the amount actually advanced to, and received by, the employee or wage-earner and shall include all commissions or compensation whatsoever to the wage broker or any person for making or procuring said loan.
- Wife's consent. SEC. 6. No assignments of his wages or salary to a wage broker by a married man, who shall have a wife, residing in this State shall be valid or enforceable without the consent of his wife evidenced by her signature to said assignment executed and acknowledged before a notary public or other officer empowered to take acknowledgments, and no wage broker or person connected with him directly or indirectly shall be authorized to take any such acknowledgments.
- Notice to employer. SEC. 7. No assignment of wages or salary to a wage broker shall be valid or enforceable unless notice in writing of the same accompanied by a copy of the assignment shall be given to the employer within one day from the date of its execution; and all assignments shall be filed in the office of the county clerk of the county where the assignor resides, and no assignment shall be valid unless so filed.
- Filing. SEC. 8. Every purchase by a wage broker of an assignment of the wages or salary of any employee or wage-earner, shall be held and considered a loan, in the sum of the amount, actually paid to and received by such employee or wage-earner, and shall be subject to all the provisions of this act.
- Assignments as loans.

SEC. 9. Any person, company, corporation or association and any officer, member, agent or employee thereof violating any or either of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be liable to a fine in the sum of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars for each offense, or to imprisonment in the county jail for a period of not to exceed ninety days, or both.

Violations.

SEC. 10. Any note, bill or other evidence of indebtedness and any assignment of wages or salary given to or received by any wage broker in violation of any of the provisions of this act shall be void, as against the creditors of the assignor or transferor.

What notes, etc., void.

Approved February 27, 1911.

CHAPTER 72.—*Mine regulations—Quartz mines.*

SECTION 1. It shall be the duty of all mining operators of any and all quartz mines in this State, when working to a greater depth than three hundred feet, or any general manager, superintendent, or foreman acting on behalf of the above, whether said mining property is operated by tunnel, shaft, or other opening, to provide where necessary, feasible and practicable, a suitable and practical method for ventilating said mine either by separate shaft, or other mine working of suitable size or capacity which said ventilating system shall provide for the delivery of air to all portions of said mine that are being operated, and also provide reasonable means for carrying away of noxious fumes, gas, or smoke.

Ventilation.

SEC. 2. It shall be the duty of all mining operators to provide suitable and practicable toilet arrangements, or places which may be used for toilet purposes, for the use of employees in mines, such toilets, or sanitary arrangements may consist of a properly constructed toilet car, or receptacle where it is practical and feasible to use the same, that may be taken into the different working levels of a mine, and when such cars or receptacles are used they shall be sent to the surface each day for proper cleaning or disinfecting. Where proper toilet apparatus is not provided, the employee shall be allowed to go to the surface or other suitable place, which place shall be kept in a reasonably sanitary condition. Underground stables shall be cleaned and droppings in waste taken to the surface each day. This section applies to mines working thirty men or over.

Toilet rooms.

Stables.

SEC. 3. Underground workings consisting of chutes, manways and winzes, or any opening kept for ventilating purposes, or for the removal of ore, or waste material, shall when necessary be protected by guard rails, or by a suitable cover known as a grizzly, made of good substantial timbers, or metal bars. Shafts at stations shall be protected by guard rails at every level. In vertical manways used by employees exclusively for traveling purposes in addition to proper ladders there shall be suitable landings, placed not to exceed thirty feet apart and so far as feasible and practicable all such manways, or air course used as an escape for men must be kept free from all obstructions.

Guarding ways and shafts.

Approved March 2, 1911.

CHAPTER 120.—*Mine regulations—Coal mines.*

SECTION 1. This act shall be known as the Coal Mining Code of the State of Montana.

Title.

SEC. 2. The governor, by and with the advice and consent of the Senate, shall appoint one State coal mine inspector qualified as hereinafter provided, who shall hold office for a term of four years from the date of his appointment, unless otherwise removed by the governor.

Inspector.

SEC. 3. No person shall be eligible to the office of State coal mine inspector until he shall have attained the age of thirty years. He shall be a citizen of the United States, a qualified resident of the State of Montana, shall have been actually employed at coal

Qualifications.

mining ten years prior to his appointment and shall possess a competent knowledge of all the different systems of coal mining and working and properly ventilating coal mines, and the nature and constituent parts of noxious and explosive gases of coal mines, and of the various ways of expelling the same from the said mines. He shall have passed a successful examination by the board of examiners and his certificate of qualification shall have been filed with the governor by the said board of examiners, as provided by law.

Salary.

Sec. 4. The salary of the State coal mine inspector shall be twenty-five hundred dollars per annum and all necessary and traveling expenses. The State coal mine inspector shall file with the State treasurer a bond, approved by the governor of the State, in the sum of five thousand dollars (\$5,000), for the faithful performance of his duties.

Bond.

Duties.

Sec. 5. The State coal mine inspector shall have the right, and it is hereby made his duty, to enter, inspect, and examine any coal mine or any shaft, drift or slope in the process of sinking for the purpose of mining coal in this State and the workings and the machinery belonging thereto, at all reasonable times, either by day or night, but not so as to impede or obstruct the workings of the mine, and when such inspection is contemplated he shall first notify the person in charge of his intention to make such examination. He shall also have the right and it is his duty to make inquiry into the condition of such mine, workings, machinery, scales, ventilation, drainage, method of lighting or using lights, and into all methods and things connected with or relating to, as well as to make suggestions providing for the health and safety of persons employed in or about the same, and especially to make inquiry whether or not the provisions of the laws providing for regulations of coal mines, or other acts which may hereafter be enacted governing coal mines, have been complied with. The owner, operator or superintendent of such mine is hereby required to furnish the means necessary for such entry, inspection, examination, inquiry and exit. It shall also be the duty of the said coal mine inspector to carefully examine all the coal mines in operation in this State at least every three months and oftener if necessary; to see that every precaution is taken to insure the safety of all the workmen that may be engaged in said coal mine. The said inspector shall make a record of the visit, noting the time and the material circumstances of the inspection. At the time of making his regular quarterly inspection, in the event of the inspector having in his possession any complaint in writing to the effect that the mining code is being violated, he shall notify the employees that he is about to make such inspection, and if the employees, in some proper manner, select one of their number to accompany the inspector on such inspection, he shall permit such employee to so accompany him. In the event of no such selection being made, the inspector may, if he so desire, request some employee to accompany him. The owner or operator shall at all times have the right to personally accompany the inspector while inspecting his property, or to designate some one to so accompany him.

Quarterly inspections.

Conflicting interests.

Sec. 6. The said State coal mine inspector while in office shall not act as agent for any corporation, superintendent or manager of any mines, and shall in no manner whatever be under the employ of mining companies nor shall he be interested in any coal mining operation either as owner, lessee or otherwise. It shall be the duty of the said State coal mine inspector, on or before the first day of January of every year, to make a report to the governor of his proceedings as such State coal mine inspector and the conditions of each and every coal mine in the State, stating therein all accidents that have happened in or about said mine or mines, and to set forth in said report all such suggestions as he may deem important as to any further legislation on the subject of coal mines.

Annual reports.

Instruments.

Sec. 7. For the more efficient discharge of the duties herein imposed upon him, the said State coal mine inspector shall be fur-

nished at the expense of the State with an anemometer, a safety lamp and whatever other instruments or other appliances may be necessary in order to carry into effect the provisions of the acts regulating coal mines.

Sec. 8. The State coal mine inspector shall post up in some conspicuous place at the top of each mine visited and inspected by him, a plain statement of the conditions of such mine, showing what in his judgment is necessary for the better protection of the lives and health of persons employed in such mine; such statement shall give the date of inspection and be signed by the said inspector. He shall also post a notice at the landing used by the men, stating what number of men may be permitted to ride on the cage, car or cars at one time, and at what rate of speed men may be hoisted and lowered on the cage, car or cars in accordance as hereinafter provided for in this act. He must observe especially that the code of signals provided in the act regulating coal mines between engineer and top men and bottom men, is conspicuously posted for the information of all employees.

Notices to be posted.

Sec. 9. In case the State coal mine inspector becomes incapacitated and cannot perform the duties of his office for a longer period than two weeks, it shall be the duty of the governor to depute some competent person having the qualifications provided in this act to fulfill the duties of the said inspector until the said inspector shall return to the performance of his official duties, and the person deputized by the governor shall be paid by the State out of any moneys in the general fund of the State not otherwise appropriated, for the services rendered at the same rate as received by the State coal mine inspector.

Substitutes.

In case of the death, resignation, or removal from office of the State coal mine inspector before the expiration of the term of office, the governor shall appoint a duly qualified person as provided in this act, to fill the vacancy for the unexpired term.

Vacancies.

Sec. 10. The State coal mine inspector is hereby made, equally with the county clerk, ex officio sealer of weights and measures, in so far as the same relates to coal mines and coal mining, and as such is empowered to test and compare all weights and measures used in weighing and measuring coal at any coal mine, or used in measuring air passages or other openings in coal mines, with the standards of weights and measures kept by the county clerk of any county. Upon the written request of any coal mine owner or operator or ten coal miners employed at any one mine, it shall be his duty to test and prove any scale or scales at such mine against which complaint is directed and if he shall find that they or any of them do not weigh correctly, he shall call the attention of the mine owner, lessor or operator to the fact and direct that said scale or scales be at once overhauled and readjusted so as to indicate only true and correct weights, and he shall forbid the further operation of such scale until such scales are adjusted. In the event that such test shall conflict with any test made by any county sealer of weights and measures, or under and by virtue of any municipal ordinance or regulation, then the test by such State coal mine inspector shall prevail.

Weights and measures.

Sec. 11. For the purpose of carrying out the provisions of this act, the State coal mine inspector shall be furnished by the State with such sets of standard weights suitable for testing the accuracy of track scales, and of all smaller scales at mines, as may in the judgment of the State coal mine inspector be necessary; said test weights shall remain in the custody of the State coal mine inspector for use at any point within the State, and for any amounts expended by him for the storage, transportation or the handling of the same, he shall be fully reimbursed upon making proper entry of the proper items in his expense voucher.

Test weights.

Sec. 12. If any owner, lessor or operator shall refuse to permit such inspection or to furnish the necessary facilities for making such examination and inspection, the inspector shall file his affidavit setting forth his refusal, with the judge of the district court in said county in which said mine is situated, either in term time or

Inspection refused.

vacation, and obtain an order on such owner, operator or agent so refusing as aforesaid, commanding him to permit and furnish such necessary facilities for the inspection of such coal mine, or to be adjudged to stand in contempt of court and punished accordingly.

**Charges of in competence, etc.** SEC. 13. Whenever a petition signed by fifty or more reputable citizens, legal residents of the State, verified by oath by two or more of the said petitioners, and accompanied by a bond in the sum of five hundred dollars, running to the State, executed by two or more freeholders, approved and accepted by the clerk of the district court of the county or counties of their residence, conditioned for the payment of all costs and expenses arising from the investigation of the charges is filed with the clerk of the district court setting forth that the State inspector of mines neglects his duties or is incompetent, or is guilty of malfeasance in office or misfeasance in office, it shall be the duty of the district court of the county to issue a citation in the name of the State to the said inspector, to appear, at not less than five days' notice, on a day fixed, before said court, and the court shall then proceed to inquire into and investigate the allegations of the petitioners; such action shall be prosecuted by the county attorney.

**Removal.** SEC. 14. If the court finds that the said State coal mine inspector is neglectful of his duties or incompetent to perform the duties of his office, or that he is guilty of malfeasance or misfeasance in office, the court shall certify the same to the governor, who shall declare the office of said State coal mine inspector vacant, and proceed in compliance with the provisions of this act to fill the vacancy; and the costs of such investigation shall, if the charges are sustained, be imposed upon the said State coal mine inspector.

**Board of examiners.** SEC. 15. The governor of the State shall within sixty days after the passage of and approval of this act, upon the recommendation of the coal miners of this State, appoint one practical coal miner actively employed in coal mining in the State of Montana, and one mine manager or superintendent, who shall be recommended to the governor by the majority of the coal mine operators of the State of Montana, and one practical coal mining engineer; the three so named by the governor shall constitute a board of examiners to pass upon the qualifications of applicants for State coal mine inspector of the State of Montana. They shall hold office for four years and until their successors, appointed in the same manner, are appointed and qualified.

**Duties of board.** SEC. 16. It shall be the duty of the said board to examine into the qualifications of all applicants for appointment to the position of State coal mine inspector of the State of Montana, by conducting a thorough examination as to their knowledge of mine workings, ventilation, gases, fire damp, machinery and actual experience in underground coal mining, and to acquaint themselves with the personal character, habits and general worthiness of each

**Examinations.** applicant. The general examination shall be in writing, and the manuscript and other papers of all applicants, together with the tally sheets and the solution of each question as given by the examining board, shall be filed with the Secretary of State as public documents, but such applicants shall undergo an oral examination pertaining to explosive gases and safety lamps. All candidates shall be allowed the use of such text books as in the discretion of the board may be deemed proper, during the examination. The board of examiners shall confine the examination of applicants to subjects such as are designated in this section. No person shall be certified as competent whose average per cent shall be less than 75 per centum and his certificate shall show what per cent the applicant has attained, and such certificate shall be valid only when signed by a majority number of the examining board. The examining board shall, immediately after the examination, furnish to each person who came before it to be examined a copy of all questions, whether oral or written, which were given at the examination, on printed slips of paper, which

shall be marked solved right, imperfect or wrong as the case may be, together with a certificate of competency to each candidate who shall have made at least 75 per centum.

SEC. 17. Applications to the said board for examination for State coal mine inspector must be made in writing and accompanied by an affidavit that the applicant is a citizen of the United States, a resident of the State of Montana, and that he has attained the age of thirty years; has had at least ten years' experience in underground coal mining in the United States and at least one year's experience in underground coal mining in the State of Montana.

Applications.

SEC. 18. The board of examiners shall file with the governor the names of all persons who shall have successfully passed the examination. From those so named the governor shall select one person to be State coal mine inspector: *Provided*, That any one who has served capably as State coal mine inspector for one full term, upon making written application to the board setting forth these facts shall be certified to the governor as properly qualified for appointment, but no man shall be eligible for the appointment as State coal mine inspector, who has any pecuniary interest in any coal mine, either directly or indirectly, as owner, leasee [lessee], or employer, or otherwise.

Names to be filed.

SEC. 19. As often as vacancies occur in the office of State coal mine inspector, caused either by death, resignation, removal for malfeasance or misfeasance as provided for in section 14 of this act or as otherwise determined as with other officers of the State, the governor shall fill the same by appointment for the unexpired term by selecting a person whose name is on file in his office as provided for in section 18 of this act.

Vacancies.

SEC. 20. The board of examiners appointed under this act shall each take the following oath of office before some person only [sic] authorized by law to administer an oath, We do solemnly swear or affirm that we will perform the duties devolving upon us to the best of our ability, and that in rejecting or recommending applicants for the position of State coal mine inspector for the State of Montana we will be governed by the evidence of qualification to fill the position under the law creating the same, and not by any consideration of political affiliation or personal favors; that we will certify all whom we may find qualified, and who shall have passed the required examination, according to the act and none other, to the best of our knowledge and judgment. The board shall meet for the purpose of examining applicants for the position of State coal mine inspector on the second Monday in December, 1912, in the city of Helena, at the State capitol in the office of the State coal mine inspector, and on the second Monday in December every two years thereafter. The secretary of state shall furnish whatever blanks, blank books, printing or stationery the board may require in the discharge of its duties. Public notice of meetings of the board for the purpose of holding examinations shall be given by the board, by the posting of notices in the post office in the several coal mining towns throughout the State at least fifteen days previous to the date of the examination, and by publication in at least two daily papers published in the city of Helena, for ten consecutive days previous to the holding of the examination.

Oath of examiners.

Meetings.

SEC. 21. The board shall then proceed to the examination of those who may present themselves as candidates for said office, and who shall have complied with the requirements necessary to entitle such applicant to be examined as provided for in section 17 of this act, and after a thorough examination as to knowledge and qualification of said applicants the said board of examiners shall certify to the governor the names of all such applicants who have successfully passed the required examination for the position of State coal mine inspector as required under the provisions of the law.

Examinations to be held.

SEC. 22. The board of examiners shall receive as compensation six dollars (\$6) per diem for the time not exceeding ten days

Compensation.

actually engaged in the performance of the duties imposed upon them in this act and their actual expenses, such compensation to be paid out of the general fund in the manner provided by law.

- Appointment.** Sec. 23. The governor shall, from the names certified to him by said board of examiners, appoint a State coal mine inspector for the State of Montana, who shall hold office for the period of time as required by the law creating such office.
- Subsequent boards.** Sec. 24. Every four years the governor shall in the manner provided in section 15 appoint a board of examiners to pass upon the qualifications of applicants for coal mine inspector, which board shall be constituted, sworn and paid and shall perform the same duties as the board provided for in section fifteen (15) of this act, during the term for which they were appointed, (and from the names certified to by them the governor shall appoint a State coal mine inspector for the State of Montana).
- Reappointments.** Sec. 25. Nothing in this act [shall] be construed as preventing the reappointment by the governor of any State coal mine inspector, who shall have successfully passed the required examination and qualified as hereinbefore provided for.
- Rules of boards.** Sec. 26. Each successive board of examiners shall have the power to adopt their own rules and regulations for examination as will best serve the purpose of this act; said rules not to conflict with the manner of examination as prescribed in section sixteen (16) of this act.
- Vacancies.** Sec. 27. Vacancies upon the said board of examiners shall be filled by the governor, in accordance with the intent and provisions of this act.
- County examining boards.** Sec. 28. On petition of the State coal mine inspector a judge of the district court of any county where coal is mined shall appoint an examining board of three persons, consisting of the State coal mine inspector, a miner and an operator or superintendent, to be known as the county examining board. The members of said examining board shall be citizens of the United States and legal residents of the State of Montana, and shall hold office for the term of two years or until their successors have been appointed and qualified. The persons so appointed shall, after being duly organized as a board, take and subscribe before an officer authorized to administer the same, the following oath namely: We, the undersigned do solemnly swear or affirm that we will perform the duties of examiners of applicants for the position of mine foreman, mine examiner, or fire boss for the coal mines of Montana to the best of our abilities, and that in certifying or rejecting said applicants we will be governed by the evidence of the qualifications to fill the positions under the law creating the same, and not by any consideration of personal favors; that we will certify all whom we find qualified and none other.
- Examinations.** Sec. 29. The examination shall consist of oral and written questions on theoretical and practical mining, on the nature and properties of noxious, poisonous and explosive gases found in the mines, and on the different systems of working and ventilating coal mines. During the progress of the examination the use of such text books as the board shall [have] approved shall be allowed applicants during the examination, and the board shall issue to those examined and found to possess requisite qualifications, certificates of competency for the position of mine foreman, mine examiner or fire boss; but such certificates shall be granted only to persons of twenty-three (23) years of age, or over, of good moral character, citizens of the United States and residents of the State of Montana, and with at least five years practical experience in the working of coal mines. All papers and blanks, blank books and stationery used at the examination, to be furnished by the board of county commissioners of the said county and each candidate for examination shall be given such questions, as are required, in writing and each question shall be on a separate paper. Candidates must return such papers to the board, with answer to questions thereon, attested by his signature. All question papers and answers shall be filed in the office of the county clerk

and recorder, in and for the county where examinations are held, and kept by him in some secure place, subject to examination at any time.

SEC. 30. Certificates of qualifications to mine foremen in the coal mines of Montana, shall be granted by the board of examiners herein provided for, to each applicant who shall have passed a successful examination showing his knowledge of mine workings, ventilation, gases, fire damp and his actual experience in underground coal mining. The certificates shall be in a manner and form as shall be prescribed by the State coal mine inspector, who shall keep a record in his department of all such certificates granted. Each certificate shall contain the full name and age and birthplace of applicant and also the length or nature of his previous service in coal mines. Certificates of mine foremen.

SEC. 31. Persons seeking certificates of competency as mine examiners or fire boss must produce evidence satisfactory to the board that they are citizens of the United States, residents of the State of Montana, have had at least five (5) years practical experience in working of coal mines, at least twenty-three (23) years of age, and of good repute and temperate habits. They must prepare to submit and satisfactorily pass an examination as to their experience in mines generating dangerous and explosive gases, their practical and technical knowledge of the nature and properties of fire damp, the laws of ventilation, and the structure and use of the safety lamp. Applications.

SEC. 32. The said board of examiners shall meet at the call of the State coal mine inspector, who shall call them upon receipt of five requests for examination and shall grant certificates to all persons whose examination shall disclose their fitness for the duties of mine foreman as above classified, or mine examiner or fire boss and such certificate shall be sufficient evidence of the holder's competency for the duties of said position so far as relates to the purpose of this act: *Provided*, That any person who shall have been employed as mine foreman, continually for a period of one year preceding the approval of this act, by the same firm, person or corporation, shall be granted a certificate without undergoing such examination, but shall not be employed by any other person, firm or corporation without having successfully undergone such examination. No person shall be certified as competent whose average percentage shall be less than seventy-five (75) per centum on his entire examination, and such certificates shall designate the position qualified for and shall be valid only when signed by a majority of the examining board. Meetings.

SEC. 33. The board may exercise its discretion, in issuing certificates of any class, without examination, to persons presenting with proper credentials certificates for the same or a similar position issued by competent authorities in this or other States: *Provided*, however, That for every such certificate issued, the board shall charge a fee of five (\$5) dollars. Certificates without examination.

SEC. 34. An applicant for examination for any certificate herein provided for, before being examined, shall register his name with the State coal mine inspector, at Helena, Montana, and file with him the credentials required by this act, to wit: An affidavit as to all matters of fact establishing his rights to and qualifications for receiving the examination, and a certificate of good character and temperate habits, signed by at least ten (10) of the citizens who know him best in the place in which he lives. Each candidate, before receiving the examination, shall pay to the State coal mine inspector the sum of two (\$2) dollars as an examination fee, and those who pass the examination for which they are entered, before receiving their certificate, shall also pay to the State coal mine inspector the further sum of three dollars (\$3) each as a certificate fee. All such fees shall be duly accounted for by the State coal mine inspector and turned into the State treasurer at the close of the fiscal year. Persons from other States.

SEC. 35. The members of the examining board except the State coal mine inspector shall receive as a compensation the sum of Fees. Applicants to register. Fees. Compensa-

five dollars (\$5) each day, for a term not exceeding two meetings of five days each in any year, and whatever sum is necessary to reimburse them for such travelling expenses as may be incurred in the discharge of their duties. All such salaries and expenses of the members of the board shall be paid upon vouchers duly sworn to by each member of the said board and approved and ordered by the State board of examiners, and the State auditor is hereby authorized to draw his warrants on the State treasurer for the amounts thus shown to be due, payable out of any money in the State treasury not otherwise appropriated.

Who to have certificates.

SEC. 36. (a) Any person who acts in the capacity of mine foreman, mine examiner or fire boss without a certificate of competency as provided for in this act, shall be deemed guilty of an offense against this act: *Provided, however,* The State coal mine inspector shall have the power to grant permits to persons to perform the duty of mine foreman, mine examiner or fire boss as provided for in this act, who may be employed by any company, corporation, association, person or persons engaged in the operating of any coal mines in the State of Montana until such time as the person so employed has had an opportunity to be examined as to his competency by the board of examiners provided for in this act, but no longer.

Employing uncertified foremen, etc.

(b) Every company, corporation [,] person or persons operating any coal mine or coal mines in the State of Montana, who employs any uncertified mine foreman, mine examiner or fire boss, except as provided for in section 33 of this act, shall [shall] be deemed guilty of an offense against this act: *Provided, however,* That in cases of emergency any competent man may be employed and act as a temporary mine foreman, examiner or fire boss until a certificate or permit can be obtained, not to exceed a period of thirty (30) days, without violating this act or incurring any of its penalties.

Maps.

SEC. 37. Every operator of every coal mine in this State shall make or caused [cause] to be made an accurate map or plan of such mine, drawn to a scale of not less than two hundred feet to one inch, and as much larger as practicable, on which shall appear the name of the State, county and township in which the mine is located, the designation of the mine, the name of the company or owner, the certificate of the mining engineer or surveyor as to the accuracy and date of the survey, the north point and the scale to which the drawing is made.

Underground workings.

SEC. 38. For the underground working the said map shall show all shafts, slopes, tunnels or other openings to the surface or to the workings of a contiguous mine, all excavations, entries, rooms and crosscuts, the rise or dip of the seam from the bottom of the shaft, mouth of drift or slope in either direction to the face of the workings, the location of the fan or furnace, the location of the permanent pumps, hauling engines, engine planes and firewalls, the location of any standing water which might prove a menace to life or danger to property from flood, and the line of any contiguous surface outcrop of the seam.

Maps for each seam.

SEC. 39. A separate and similar map, drawn to the same scale in all cases, shall be made of each and every seam, which, after the passage of this act, shall be worked in any mine, and the maps of all such seams shall show all shafts, drifts, tunnels, incline planes or other passage ways connecting the same.

Surface boundaries.

SEC. 40. Every such map or plan, or at the option of the operator a separate map, shall show the surface boundary lines contiguous to the workings and pertaining to each mine, also all section or quarter section lines and corners, town lots and streets, the tracts [tracks] and side tracts [tracks] of all railroads, the location of all wagon roads, rivers, streams, ponds, buildings [,] landmarks and principal objects on the surface within the said boundary lines; and in all cases if of a separate surface map the same shall be drawn on transparent cloth or paper so that it can be laid upon the map of the underground workings and thus truly indicate the relative location of the lines and objects on the surface to the excavations of the mine.

SEC. 41. The original or true copies of all such maps shall be kept in the office at the mine, and true copies thereof shall also be furnished the State coal mine inspector within thirty days after completion of the same. The maps so delivered to the inspector shall be the property of the State and shall remain in the custody of the said inspector during his term of office and be delivered by him to his successor in office. They shall be kept at the office of the inspector and be open to inspection by all persons interested in the same, but such examinations shall only be made in the presence of the inspector and he shall not permit any copies of the same to be made without the written consent of the operator or owner of the property, under penalty of removal from office. Maps to be kept where.

SEC. 42. An extension of the last preceding survey of every mine in active operation shall be made once in every twelve months, prior to July 1st of every year, and the result of said survey, with the date thereon, shall be promptly and accurately entered upon the original maps so as to show all changes in plain or new work in the mine and all extensions of the workings to the most advanced face or boundary of said workings which have been made since the preceding survey. The said changes and extensions shall be entered upon the copies of the maps in the hands of the State coal mine inspector, or new copies thereof be furnished him, within thirty days after the last survey is made. Whenever the operator of any mine shall neglect or refuse, or for any cause not satisfactory to the State coal mine inspector fail, for a period of three months, to furnish to the said State coal mine inspector the map or plan of such mine, or a copy thereof or of the extension thereto, as provided for in this act, the said State coal mine inspector is hereby authorized to make or cause to be made an accurate map or plan of such mine at the expense of the owner or lesser [lessor] thereof, and the cost of the same may be recovered by law from said owner, lesser [lessor] or operator in the same manner as other debts by suit in the name of the State. Extensions.

SEC. 43. When any coal mine is worked out or is about to be abandoned or indefinitely closed the operator of the same shall make or cause to be made a final survey of all available parts of such mine, and the results of the same shall be duly extended on all maps of the mine and copies thereof, so as to show all excavations and the most advanced workings of the mine, and their exact relations to the boundary or section lines on the surface. Final surveys.

The State coal mine inspector may order a survey to be made of the workings of any mine which is about to be abandoned, or of which he has reason to believe the maps are inaccurate, whenever in his judgment the safety of the workmen, the support of the surface, the conservation of the property or the safety of an adjoining mine requires it. Such survey shall be paid for by the State.

SEC. 44. It shall be the duty of the owner, operator or superintendent of any coal mine in the State of Montana to provide a suitable building, not an engine or boiler house, for the use of the persons employed in such mine for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom. The said building shall not be over 800 feet from and convenient to the principal entrance of such mine when practical to do so. When not practicable to build the wash house within the said distance and still conform to the other requirements of this section the State coal mine inspector may give written permission to place the building at a greater distance from the mine than that herein specified and the operator shall not be guilty of violation of this section. The said building shall be maintained in good order, be properly lighted and heated and supplied with pure cold and warm water, and be provided with facilities for persons to wash and a suitable locker for each person to be used by him as a repository for his clothes. Wash rooms.

If any person shall maliciously injure or destroy or cause to be injured or destroyed, the said building or any part thereof, or any of the appliances or fittings used for supplying light, heat or water therein or doing any act tending to the injury or destruction thereof, he shall be deemed guilty of an offense against this act and subject to a fine as hereinafter provided for.

Weighmen.

SEC. 45. The weighman employed at any mine shall subscribe to an oath or affirmation before some officer authorized to administer oaths, to do justice between employer and employee, and to truly and correctly weigh the output of coal from the mines as herein provided. The miners employed by or engaged in working for any mine owner, operator or lessee of any mine in this State shall have the privilege, if they desire, of employing at their own expense a check weighman, who shall have like equal rights, powers and privileges in the weighing of coal as the regular weighman and be subject to the same oath and penalties as the regular weighman. Said oath or affirmation shall be kept conspicuously posted in the weight office, and any weigher of coal or person so employed, who shall knowingly violate any of the provisions of this section, or any owner, operator or agent of any coal mine in this State who shall forbid or hinder miners employing or using a check weighman as herein provided, or who shall prevent or willfully obstruct any such check weighman in the discharge of his duty, shall be deemed guilty of an offense against this act. Whenever the State coal mine inspector, or his deputy, shall be satisfied that the provisions of this section have been willfully violated, it shall be his duty to forthwith inform the prosecuting attorney of any such violation, together with all the facts within his knowledge and the prosecuting attorney shall thereupon investigate the charges so preferred, and if he is satisfied that the provisions of this section have been violated, it shall be his duty to prosecute the person or persons guilty thereof.

Checkweighmen.

Scales.

SEC. 46. Any person or persons having or using any scale or scales for the purpose of weighing the output of coal at mines must not arrange or construct them so that fraudulent weighing may be done thereby, and must not knowingly resort to or employ any means whatsoever by reason of which such coal is not correctly weighed and reported in accordance with the provisions of this act.

Cages.

SEC. 47. Every hoisting shaft must be equipped with safely constructed substantial cages fitted to guide rails running from the top to the bottom of shaft. Said cages must be furnished with suitable boiler iron covers to protect persons riding thereon from falling objects and with sheet iron or steel casings on each side, not less than one-eighth inch in thickness, or wire netting of not less than one-eighth in diameter. They must be equipped with safety catches, said safety apparatus, whether consisting of eccentrics, springs or other devices, must be securely fastened to each cage and must be of sufficient strength to hold the cage loaded at any depth to which the shaft may be sunk. Every cage must be fitted with iron bars, chains or rings in proper place and sufficient in number to furnish a secure hand hold for every person permitted to ride thereon. Gates not less than four feet high from the bottom of the cage shall be fitted to each cage and must be used during the regular hoisting or lowering of men: *Provided*, That when such cage is used for sinking only it need not be equipped with such doors as are hereinbefore provided for. At the top landing cage supports, when necessary, must be carefully set and adjusted so as to act automatically and securely hold the cage when at rest.

Passageways.

SEC. 48. At the bottom of every shaft and at every caging place therein a safe and commodious passageway must be cut around such landing place to serve as a travelway by which men or animals may pass from one side of the shaft to the other without passing under or on the cage.

Landings.

SEC. 49. The upper and lower landings at the top of each shaft and the opening of each intermediate seam from or to the shaft,

shall be kept free and clear from loose materials and shall be securely fenced with automatic or other gates, so as to prevent either men or materials from falling into the shaft.

Sec. 50. For every coal mine in this State, whether worked by shaft, slope or drift, there shall be provided and maintained in addition to the hoisting shaft, slope or drift or other place of delivery a separate escapement shaft, slope or drift or opening to the surface, or an underground communication [communicating] pasageway between every such mine and some other contiguous mine, such as shall constitute two distinct and available means of egress to all persons employed in such coal mine. The time allowed for completing such escapement shaft or drift or making such connections with an adjacent mine, as is required by the terms of this act, shall be three months for shafts, slopes or drifts two hundred feet or less in depth or length, six months for shafts, slopes or drifts less than than [sic] five hundred feet in depth or length and more than two hundred, and twelve months for all other shafts, slopes or drifts or connections with adjacents mines. The time to date in all cases from hoisting of coal from main shaft, slope or drift.

Sec. 51. It shall be unlawful to employ at any one time more men than in the judgment of the State coal mine inspector is absolutely necessary for speedily completing the connections with the escapement shaft, slope or drift or adjacent mine and said number must not exceed ten men at any one time for any purpose in said mine until such escapement connection is completed.

Sec. 52. Such escapement shaft or opening, or communication with an adjacent mine aforesaid, shall be constructed in connection with every seam of coal worked in such mine, and all pasageways communicating with the escapement shaft or place of exit, from the main hauling ways to said place of exit, shall be maintained free of obstructions, at least five feet wide and five feet in height. Such passageways must be so graded and drained that it will be impossible for water to accumulate in any depression or dip of the same, in quantities sufficient to obstruct the free and safe passage of men. At all points where the passageway to the escapement shaft or other place of exit is intersected by other roadways or entries, conspicuous signboards shall be placed indicating the direction it is necessary to take in order to reach such place of exit. Where pillars are being drawn on an entry outside of where other men are working, or where more than 50 per cent of the coal is taken out in rooms, connections for escapement shall be made with some adjoining entry to provide a safe exit for the men.

Sec. 53. The distance between the main shaft and escapement shall not be less than one hundred feet where steel headframes are used, nor less than three hundred feet where wooden headframes are used: *Provided*, That where slopes or drifts are driven in or on the coal strata, the distance between the escapement road or travelway and the slope drift or hauling way shall not be less than fifty feet.

Sec. 54. It shall be unlawful to erect any inflammable structure or building in any space intervening between the main shaft, slope or drift and the escapement shaft, slope or drift on the surface, or any powder magazine in such location or manner as to jeopardize the free and safe exit of the men from the mine by said escapement shaft, slope or drift in case of fire in the main shaft, slope or drift buildings.

Sec. 55. The escapement shaft at every mine which does not exceed one hundred feet in vertical depth shall be equipped with safe and ready means for the prompt removal of men from the mine in time of danger, and such means shall be a substantial stairway which shall be provided with handrails and with platforms or landings not more than ten feet apart. Where the escapement exceeds one hundred feet in vertical depth, in place of the stairway, it may be equipped with a cage for hoisting men, and such cage must be suspended between guides and be so con-

Escapement shafts, etc.

Completion of connections.

Clear ways to be maintained.

Distance from escapement shaft.

Inflammable structures.

Stairways.

Cages.

structed that falling objects can not strike persons being hoisted upon it. Such cage must be operated by steam or electricity which power shall be kept available for immediate use at all times and equipment of said hoisting apparatus shall include a depth indicator, a brake on the drum, a steel or iron cable and safety catches on the cage; and all such hoisting machinery must be inspected at least once each week by some competent person representing the operating company or owner.

Obstructions  
in shafts.

SEC. 56. No accumulation of ice or obstruction of any kind shall be permitted in any escapement shaft, nor shall any steam be discharged into said shaft; and all surface or other water which flows therein shall be conducted by rings or otherwise, to receptacles for same so as to keep the stairway or cage free from falling water.

Inspection of  
shafts.

SEC. 57. All escapement shafts and passageways leading there-to or to the works of a contiguous mine must be carefully examined at least once each week by the mine foreman or by a man specially delegated by him for that purpose, and the date and findings of such inspection must be entered in a record book in the office at the mine. If obstructions are found their location and nature must be stated together with the date on which they were removed.

Joint escape  
shafts.

SEC. 58. When operators of adjacent mines have by agreement established underground communication between said mines as an escapement outlet for the men employed in both mines, the roadways to the boundary on either side shall be regularly patrolled once each week and kept clear of all obstructions to travel by respective operators, and the intervening door shall remain unlocked and ready at all times for immediate use. When such communication has once been established between adjacent mines, it shall be unlawful for the operator of either mine to close the same without the consent of the contiguous operator and the State coal mine inspector: *Provided*, That when either operator desires to abandon mining operations the expense and duty of maintaining such communications shall devolve upon the party continuing operations and using the same.

Ventilation.

SEC. 59. The owner, operator or superintendent of every coal mine, whether operated by shaft, slope or drift, shall provide and hereafter maintain ample means of ventilation for the circulation of air through the main entries, cross entries and all other working places, to an extent that will dilute, carry off and render harmless the noxious or dangerous gases generated in the mine, affording not less than one hundred cubic feet per minute for each and every person employed therein, and not less than six hundred cubic feet per minute for each and every animal in the mine; but in any mine, or section of a mine, where fire damp is generated not less than one hundred and fifty cubic feet of air per minute shall be provided for each person or as much more as may be necessary to keep such section free from fire damp. The quantities of air in circulation shall be ascertained with an anemometer or other efficient instrument; such measurement shall be made by the foreman or his assistants once a week at the inlet and outlet airways, and also at or near the face of each entry, and shall be recorded in a book kept for that purpose at the mine office. The quantity of air as provided for in this act for each person shall be conducted to each working place.

In rooms generating fire damp the volume of air required by this act shall be conducted to the face thereof by the use of brattice cloth or other suitable means.

Record of air  
current.

SEC. 60. At each mine generating fire damp so as to be detected by a safety lamp a water gauge for the purpose of recording the pressure or vacuum of the main air current shall be provided and maintained which shall be kept in constant use and records preserved subject to the inspection of the State Coal Mine Inspector or his authorized representative.

Separate cur-  
rents.

SEC. 61. The current of air in mines must be split or subdivided so as to give a separate current to a number not exceeding one

hundred men at work, and the inspector has the discretion to order a separate current for a smaller number of men if special conditions render it necessary.

SEC. 62. Crosscuts between the entries, except where same are within the confines of shaft bottom pillars, shall be made not exceeding sixty feet apart, unless sufficient brattice is used to keep the air current up to the entry face in which case they shall not exceed one hundred feet apart. When there is a solid block on one side of a room, crosscuts shall be made between such room and the adjacent room not to exceed sixty feet apart; where there is a breast or group of rooms, a crosscut shall be made on one side or the other of each room, except the room adjoining said block, not to exceed fifty feet from the outside corner of the crosscut to the nearest corner of the entrance of the room and on the opposite side of the same room a crosscut shall be made not to exceed ninety feet from the outside corner of the crosscut to the nearest corner of the entrance of the room, and thereafter crosscuts shall be made not to exceed eighty feet apart on each side of the room. The required air current shall be conducted to the crosscut nearest the face of each entry or room.

Crosscuts.

Brattices between permanent inlet and outlet airways shall hereafter be constructed in a substantial manner of brick, blocks, masonry, concrete or nonperishable material. Rooms must not be worked in advance of the ventilating current.

Brattices.

SEC. 63. All ventilating fans, furnaces and any means in use to ventilate mines shall be kept in constant operation, day and night, in mines generating fire damp or where two shifts are being worked. Where no fire damp is generated, or only one shift is worked, the fan, furnace or other means of ventilation shall be started and kept running not less than two hours before the time to begin work. Should it at any time become necessary to stop the fan or other means of ventilation on account of accident or needed repairs to any part of the machinery, furnace or other means of ventilation connected therewith, or by reason of any unavoidable cause, it shall then be the duty of the mine foreman, or any official in charge, after first having provided as far as possible for the safety of the persons employed in the mine, to order said fan or other means of ventilation to be stopped so as to make the necessary repairs or to remove any other difficulty that may have been the cause of such stoppage. All ventilating furnaces in mines shall, for two hours before the appointed time to begin work and during working hours, be properly attended by a person employed for the purpose.

Operation of fans, etc.

SEC. 64. In all mines, all main airbridges or overcasts built after the passage of this act shall be constructed of masonry or other incombustible material of ample strength, or be driven through the solid strata. In all mines the doors used in guiding and directing ventilation of the mine shall be so hung and adjusted that they will close themselves, or can be supplied with springs or pulleys so that they cannot be left standing open, and an attendant shall be employed at all principal doors through which cars are hauled, for the purpose of opening and closing said doors when trips of cars are passing to and from workings, unless an approved self acting door is used. Necessary room shall be provided at each door so as to protect said attendant from being run over by the cars while attending to his duties, and persons employed for this purpose shall at all times remain at their post of duty during working hours. On every inclined plane, or where haulage is done by machinery, and where a door is used, an extra door shall be provided to use in case of necessity.

Overcasts.

SEC. 65. When live stock is kept underground the stables or stalls shall be separated from the main aircourse by not less than twenty feet of solid strata or a solid wall of brick masonry or concrete, not less than twelve inches in thickness. The construction of the stable shall, as far as possible, be free from all combustible material. No hay or straw shall be taken into the mine unless same be compressed into compact bales, and only from time

Stables.

to time in such quantities as will be required for two days' use. No greater quantity of hay or straw shall be stored in the mine or stable and when such is taken inside the mine it shall be taken to the stable at once and placed in a separate room provided therein for the same. The stable must be so placed that the air ventilating the same is returned immediately to the main outlet aircourse and not allowed to go further into the mine to where men are working. The connections between the aircourses and the stables must be fitted with substantial doors, placed so that they can be readily reached in the event of fire in the stable. Where conditions prohibit the use of entirely incombustible material in the construction of the stable the doors leading to or from the same shall be made of iron or steel plate, not less than one quarter inch in thickness, set in masonry or concrete walls. The lights used in the stable shall be incandescent lamps placed so that same will not be injured by the stock or the persons required to enter the stable, or lanterns of railroad type suitable for using lard or signal oil, and only such oil shall be used therein. All refuse and waste shall be promptly removed from the stable in the mine and shall not be allowed to accumulate.

Stables constructed underground after the passage of this act shall be located not nearer than one hundred and fifty feet to any opening to the mine used as a means of ingress or egress.

Approaching  
abandoned  
workings.

SEC. 66. Whenever any working place of a mine approaches within one hundred feet of the abandoned workings of another mine as indicated by an accurate survey, or while driving any working place parallel with the workings of such abandoned mine within one hundred feet thereof, and such abandoned mine cannot be explored or when same contains fire damp or water which may inundate such working place, the mine foreman shall not permit such working place to be advanced until a drill hole has been extended not less than twelve feet in the centre of such working place and a flank hole not less than twelve feet extended on each rib, starting at the working face after taking out each cut of breaking.

Whenever the limits of an abandoned mine are not known by actual survey the above rule shall apply whenever any working place approaches within two hundred feet of the supposed limits of such abandoned mine.

Timber.

SEC. 67. The operator of any mine shall keep an adequate supply of suitable timber constantly on hand, and deliver to the working place of each miner the props of approximate length, caps and other timbers necessary to securely prop the roof thereof. Such props, caps and other timbers shall be delivered in mine cars at the point where the miner receives his empty cars or unloaded at the entrance to the room.

Clearance in  
haulage ways.

SEC. 68. On all hauling roads or entries on which the hauling is done by machinery, where men have to pass to or from their work, and on all entries on which the hauling is done by draft animals, there shall be a clearance on one side of at least two and one-half feet between the car and the rib of such entry. This place shall be kept free from all obstructions and no material shall be placed thereon. In mines already opened prior to the passage of this act where such clearance does not exist, or in mines where mining conditions prohibit the driving of entries wide enough to give such clearance, places of refuge must be cut in the side wall at least three feet wide, two and one-half feet deep, five feet high and not more than twenty yards apart, but such places of refuge shall not be required in entries from which rooms have been driven at regular intervals not exceeding twenty yards. All such places of refuge must be kept clear of obstructions and no material shall be stored nor allowed to accumulate therein.

Places of ref-  
uge.

Airways.

SEC. 69. It shall be the duty of the owner, lessee or operator of every coal mine to provide and maintain airways of sufficient dimensions and in no case shall the area of the aircourse be less than twenty-five feet in mines operated on the room and pillar system.

Sec. 70. Standing or stagnant water shall not be allowed to remain in traveling ways, nor shall the intake airways be used by miners or other persons as a depository for excrement or any other refuse. Obstructions of any kind must not be placed in crosscuts, rooms or entries used as main airways. Where necessary to provide a traveling way other than the main entries, slope or drift in any mine for men going to or returning from their work, the same shall be kept clear from debris or obstructions of any kind, and all loose coal, slate and rock overhead or in rib in traveling ways, where miners have to travel to or from their work, must be taken down or carefully secured.

Obstructions.

Sec. 71. All main airways or traveling ways in any underground workings shall be examined at least twice a week by the mine foreman or some other competent person so directed by said mine foreman and a record of such inspections[s] shall be kept at the mine office.

Inspection of airways.

Sec. 72. It shall be the duty of the mine foreman or his assistant in charge of any coal mine where coal dust or any other inflammable material may accumulate to cause the same to be properly satuated with water or with some compounds or chemicals used for such purpose as often as necessary in either air-courses or entries, or all accumulated matter, explosive in its nature, shall be removed from the mine.

Coal dust, etc.

Sec. 73. In order to secure efficiency in the coal mines the operator or superintendent shall employ a competent and practical foreman; said mine foreman shall have passed an examination and obtained a certificate of competency as required by this act, and said mine foreman shall devote the whole of his time to his duties at the mine when in operation.

Foremen.

The mine foreman or his assistant shall visit and examine every working place in the mine at least each alternate day while the miners of such places are or should be at work and shall examine and see that each working place is secured by timbering so that the safety of the mine is assured; he shall see that a sufficient supply of timbers and material is always on hand at the working places in compliance with this act.

When the mine foreman is personally unable to carry out the requirements of this act as pertaining to his duties, on account of sickness or other unavoidable conditions, a competent person shall be appointed to act in his place. The said person so appointed shall possess a certificate of competency, either as mine foreman or mine examiner as provided for in this act, or shall receive a permit to act as such from the State Coal Mine Inspector's office within thirty days after taking charge.

Whenever such mine foreman, his assistant or assistants, shall have an unsafe place reported to him or them, he or they shall order and direct that the same be placed in a safe condition and until such is done no person or persons shall enter such unsafe place except for the purpose of making it safe.

Sec. 74. A mine examiner shall be required at all coal mines generating dangerous and explosive gases.

Examiners.

His duty shall be to visit the mine before the men are permitted to enter it and, first, he shall see that the air current is traveling in its proper course and quantity. He shall inspect all places where men are expected to pass or to work and observe if there are any recent fall or obstructions in rooms and roadways or accumulations of fire damp or other unsafe conditions.

He shall especially examine the edges and accessible parts of recent falls and old gobs and aircourses. As evidence of such examination he shall mark with chalk upon the face of the coal his initial and the date of the month and year; if there is any standing gas discovered he shall leave a danger signal across every entrance to such place.

He shall make a report on a blackboard provided on the outside of the mine, or at some other convenient place, for that purpose and arranged so that the men can inspect it while passing to their work, showing the conditions of the mine as to the presence of fire damp, and indicating the place or places where present if

any is present, before he permits any person or persons to enter the mine. He shall complete his inspection before the time for the day shift men to go to work and shall personally check each miner or loader into the mine, advising each as to the condition of his working place and holding back any man whose working place is in dangerous condition. He shall return to the mine with such miners or loaders thus held back and remain there attending to the removal of any standing gas.

He shall examine parts of the mine not in actual course of working and available [available], not less than once each three days. He shall see that every part of the mine is kept free from standing gas and all old workings are properly fenced off. He shall examine the mine on idle days and Sundays if any men are required to work in any part of it, and, if any time elapse between the day turn leaving and night turn starting, the places to be worked by night turn must be examined by him with a safety lamp and reported safe before persons go to them. He shall make a daily record of the conditions of the mine as he has found them, in a book kept for that purpose, which shall be preserved in the office of the company. No miner or loader, when advised by the mine examiner that his working place is dangerous, shall leave the bottom of the shaft or the main partings on slopes or drifts until accompanied by the miner [mine] examiner.

**S a f e t y** **lamps.** SEC. 75. At any mine where fire damp or other explosive gases are being generated so as to require the use of safety lamps in any part thereof the operator of such mine, upon receiving notice from the State coal mine inspector or the mine examiner that one or more lamps are necessary to the safety of the men in such mine, shall at once procure and keep for use such number of the most improved safety lamps as may be necessary. All safety lamps used for working therein shall be the property of the operator and shall remain in the custody of the mine foreman or other competent person, who shall clean, trim and fill, examine and deliver the same, locked and in safe condition, to the men when entering the mine, and shall receive the same from the men at the end of their shift. Persons using such lamps shall be responsible for the conditions and proper use of safety lamps while in their possession.

**Same.** SEC. 76. In every working approaching any place where there is likely to be an accumulation of explosive gases, or in any working where danger is imminent from explosive gases, no light or fire other than a locked safety lamp shall be allowed or used.

**Keys to** **lamps.** SEC. 77. No one except a duly authorized person shall have in his possession a key or other contrivance for the purpose of unlocking any safety lamp in any mine where locked safety lamps are used. No lucifer matches or any other apparatus for striking light shall be taken into said mine or parts thereof.

**Firing blasts.** SEC. 78. In any mine where locked safety lamps are used no blast shall be fired in such portion of the mine except by permission of the mine foreman or his assistants, and before a blast is fired the person in charge must examine the place and adjoining places and satisfy himself that it is safe to fire such blast before such permission is given.

**Powder.** SEC. 79. No workman shall have at any time more than one twenty-five pound keg of black powder in the mine nor more than five pounds of high explosives. Every person who has powder or other explosives in a mine shall keep it or them in a wooden or metallic box or boxes, securely locked, and said boxes shall be kept at least five feet from the track and no two powder boxes shall be kept within twenty-five feet of each other nor shall black powder and high explosives be kept in the same box.

**Opening** **boxes.** SEC. 80. Whenever a workman is about to open a box or keg containing powder or other explosives and while handling the same he shall place and keep his lamp at least five feet distance from such explosive, and in such position that the air current cannot carry sparks to it, and no person shall approach nearer than five feet to any open box containing powder or other ex-

plosives with a lighted lamp, lighted pipe or other thing containing fire.

SEC. 81. In the process of charging and tamping a hole, no person shall use an iron or steel pointed needle. The needle used in preparing a blast shall be made of copper and the tamping bar shall be tipped with at least five inches of copper. Some soft material must always be placed next the cartridge or explosive. Tamping  
needle.

SEC. 82. A workman who is about to explode a blast with a squib shall not shorten the match, saturate it with oil, or ignite it except at the extreme end; he shall see that all persons are out of danger from probable effects of such shots, and shall take measures to prevent any one from approaching by shouting "Fire" immediately before lighting the fuse or squib. Firing blasts.

When firing shots in close proximity to other workmen on rib or in crosscut driven for air or other purposes, he or they, firing such shots, shall notify in person or by signals the workmen in adjoining rooms or other place or entry.

When a squib is used and a shot misses fire no person shall return until five minutes shall have elapsed. When a fuse is used and a shot misses fire no person shall return until one hour for each foot of fuse shall have elapsed. When it is necessary to tamp dynamite, nothing but a wooden tamper shall be used.

No hole shall be drilled to a greater depth than the cut or shearing, neither shall fine coal, coal dust or any combustible material be used for tamping any hole.

No workman shall put off any blast in any mine known as a "following shot."

At all coal mines the firing of shots shall be restricted to a specific time at the end of each shift, except that in entries, slants and doom necks, when necessary, one snubbing shot may be fired in each at the middle of the shift. No miner shall fire a shot until the time appointed for him to do so and then only in such rotation as designated by the proper authority. After each blast he shall exercise great care in examining the roof and coal and shall secure them safely before beginning to load coal. Where shooting is done by shift work the same precaution shall be used by some person or persons designated by the operator.

When draw slate is over the coal the miner shall not go underneath the drawslate until it is made safe from falling by securely posting it, and he shall not remove the posts until the coal is removed and he is ready to take down the drawslate. He shall not place in the gob or refuse pile any fine coal or coal dust but shall load same into cars. When more than one shot is to be fired at the same time with fuse, in the same working place, different lengths of fuse shall be used so as to prevent any possibility of the shots going off simultaneously. Draw slate.

SEC. 83. Each miner shall examine his working place upon entering the same and shall not commence to mine or load until it is made safe. He shall be very careful to keep his working place in safe condition at all time. Duties of  
miners.

Should he at any time find his place becoming dangerous from any cause or condition, to such an extent that he is unable to take care of the same personally, he shall at once cease work and notify the mine foreman, or his assistant as provided for hereinbefore in this act, of such danger, and upon leaving such place he shall place some plain warning at the entrance thereto [to] warn others from entering into the said danger and he shall not return to his place until ordered to do so by the mine foreman or his assistant. Each miner, or other person employed in a mine, shall securely prop the roof of the working place therein under his control, and shall obey any order or orders given by the superintendent or mine foreman relating to the width of his working place or safety of the same. Such miner or other person shall not be held to have violated the provisions of this section if the owner, lessee, agent, superintendent or mine foreman fail to sup-

ply the necessary props, caps, timber or necessary material as provided for in this act.

Each miner or other person shall avoid waste of props, caps, timber or other material. When he has props, caps, timber or other material unsuited for his purpose he shall not cover them up or destroy them but shall place same near the track where they can be readily seen.

**Machine runners.**

SEC. 84. Machine runners and helpers shall use care while operating mining machines. They shall not operate a machine unless the shields are in place and shall warn all persons not engaged in the operating of a machine of the danger in going near a machine while in operation, and shall not permit such persons to remain near the machine while in operation. They shall examine the roof of the working place and see that it is safe before starting to operate the machinery. They shall not move the machine

**Electric wires.**

while the cutter chain is in motion. When connecting the power cable to electric wires they shall make the negative or grounded connections before connecting to the positive and, when disconnecting the power cable, shall disconnect from the positive line before disconnecting the negative, or grounded. When positive feed wires extend into rooms they shall connect such wires to the positive wire on the entry before connecting the power cable and as soon as the power cable is disconnected shall disconnect such wire from the wire on the entry. They shall use care that the cable does not come in contact with metallic rails of the track and shall avoid, where possible, leaving the cable in water. If any machine men remove props which have been placed by the miner for the security of the roof, they shall reset such props as promptly as possible.

**Motormen and trip riders.**

SEC. 85. Motormen and trip riders shall use care in handling the motors and cars and shall see that signals or markers, as provided for, are used as provided, and shall be governed by the speed provided for in this act in handling cars. They shall not run the motors with the trolley ahead of the motors, except in case where they cannot do the alternative, and then only at a speed of two miles an hour. They shall warn persons forbidden to ride on the motors or cars, and shall not permit such persons to ride on motors or cars contrary to the provisions of this act.

Drivers shall use care in handling cars, especially when going down extreme grades and at junction points.

Motormen, trip riders and drivers in charge of haulage trips passing through doors used as a means of directing the ventilation, shall see that such doors are closed promptly after the trip passes through.

**Entering gaseous mines.**

SEC. 86. No person shall enter a mine generating fire damp so as to be detected by a safety lamp until the mine examiners make a report on the blackboard for that purpose as hereinbefore provided for in this act.

No person, unless accompanied by the mine examiner, shall go beyond a danger signal until all standing gas discovered has been removed or diluted and rendered harmless by a current of air. Any person being ordered to withdraw by the mine foreman or mine examiner from the mine on account of the interruption of the ventilation shall not reenter the mine until given permission to do so by the mine foreman.

**Acts forbidden.**

No person other than the mine examiner shall remove any caution board or danger signal placed at the entrance to any working place or at the entrance to any old workings in a mine.

No person shall erase or change a mark of reference or monument made in connection with a measurement; change marks or dates or any caution board, or erase or change the dates at room or entry face, when made by the mine examiner; change the checks on cars, wrongfully check a car or do any act with intent to defraud. No person shall take a lighted pipe or other thing containing fire, except lanterns as provided for in this act, into any underground stable or barn.

No person shall place refuse in or obstruct any airway or break through used as an airway. No workman or other person shall injure a water gauge, barometer, aircourse, brattice equipment, machinery or live stock; obstruct or throw open any airway; handle or disturb any part of the machinery of the hoisting engine of a mine; open a door of a mine and neglect to close it; endanger the miners or those working therein; disobey an order given in pursuance of law, or do a willful act whereby the lives and health of persons working therein or the security of a mine or machinery connected therewith may be endangered.

SEC. 87. No person or persons except those in charge of trips, superintendents, mine foremen, mine examiners, electrician, mechanics and blacksmiths, when required by their duty, shall ride on haulage trips, except where by mutual agreement in writing between the superintendent or agent and the employees a special trip of empty cars is run for the purpose of taking employees into or out of the mine, or empty cars are attached to loaded trips, which shall not be run at a speed exceeding six miles per hour.

SEC. 88. Each employee of a mine shall go to or from his place of duty by the travelling ways provided; shall not travel around the mine or the buildings, where duty does not require, and when not on duty shall not loiter at, in or around the mine, the buildings or machinery connected therewith, except by permission of the owner, lessee, operator, superintendent or foreman.

No person shall go into or around a mine, the buildings or the machinery connected therewith, while under the influence of intoxicants. No person shall use, carry or have in his possession, at, in or around a mine, the buildings or the machinery connected therewith, any intoxicants.

SEC. 89. At every shaft, operated by steam or other power, the operator must station at the top and the bottom of such shaft a competent man, charged with the duty of attending to signals, preserving order and enforcing rules, during the carriage of the men on cages.

SEC. 90. Whenever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men leave or take the cage, car or cars is at all obscured by steam or otherwise, there must always be maintained at such landing a light sufficient to show the landing and surrounding objects distinctly. Lights shall also be maintained at each landing and the bottom of all shafts while men are at work underground.

SEC. 91. Cages in shafts, or cars in any slope, on which men are riding shall not be lifted or lowered at a rate of speed greater than six hundred feet per minute.

No more than (12) twelve persons shall ride on any cage or car at any one time except where specially constructed man cars are used on a slope.

No person shall carry any explosives, tools, timber or other material with him on a cage, car or cars in motion, in any shaft or any slope or incline plane while the men are being hoisted or lowered, except for use in repairing the shaft, slope or incline plane.

No cage having an unstable or self dumping platform shall be used for the carriage of men or materials unless the same is provided with some device by which the platform can be securely locked, and unless it is so locked whenever men or materials are being conveyed thereon.

The rope rider on any slope or incline plane shall, during working hours, see that all ropes and signals are in perfect working order, and, if he perceives anything wrong, he shall at once report the same to the mine foreman or his assistant.

He must be cautious when men are being hoisted out of or lowered into any slope and shall see that all safety appliances are properly attached and that all cars are securely coupled. He shall pay strict attention to all signals.

When more than twelve persons get on a cage or on one car on a slope or incline plane, except as above provided for, the bottom

Riding on haulage trips.

Travel to be direct.

Intoxicated persons.

Signal men.

Landings to be lighted.

Hoisting.

man, top man, or rope rider in charge of the lowering and hoisting of such persons shall order a sufficient number to get off to reduce the number to twelve persons on the cage or car, and the person or persons so ordered shall immediately comply.

The car or cars used to hoist or lower men into or out of any slope or on any plane shall be connected by safety chains, or some safety appliance must be used to maintain the trip in case of breakage of coupling or other connection.

**Men to be taken up.** SEC. 92. Whenever men who have finished their days work, or who have been prevented from further work for any cause, shall come to the bottom of any shaft to be hoisted out, a cage shall be given them for that purpose, unless there is an available exit by slope or stairway in an escapement shaft, and providing there is no coal at the bottom to be hoisted. Whenever the designated number of persons for a cage load shall arrive at the bottom of the shaft in which persons are regularly hoisted or lowered they shall be furnished with an empty cage and be hoisted.

**Supplies for first aid.** SEC. 93. At every mine where men are employed underground it shall be the duty of the operator thereof to keep always on hand and at some readily accessible place a properly constructed stretcher, a woolen and waterproof blanket, and a roll of bandages, in good condition and ready for immediate use, for binding, covering and carrying any one who may be injured at the mine; also to provide a comfortable apartment near the mouth of the mine in which any one so injured may rest while awaiting transportation home, and to provide for the speedy transportation of any one injured in such time to his home. When more than one hundred and fifty men are employed in any one mine two stretchers, two woolen and two water proof blankets, with a corresponding supply of bandages, shall be provided and kept on hand. There shall also be provided and kept in store a suitable supply of linseed or olive oil for use in case men are burned by an explosion or otherwise.

**Illuminating oil.** SEC. 94. (a). No person, firm or corporation shall compound, sell or offer for sale, for illuminating purposes in any coal mine, any oil other than oil composed of not less than eighty-four per cent of pure animal or vegetable oil, or both, and not more than sixteen per cent pure mineral oil, the gravity [gravity] of such animal or vegetable oil shall not be less than twenty-one and one-half and not more than twenty-two and one-half degrees Baume scale measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit. The gravity of such mineral oil shall not be less than thirty-four and not more than thirty-six degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit, and gravity of the mixture shall not exceed twenty-four degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit. It is provided, however, that any material that is as free from smoke and bad odor, and of equal merit as illuminant as a pure animal or vegetable oil, may be used at the pleasure of mine operators and miners.

(b) Each person, firm or corporation compounding oil for illuminating purposes in a coal mine or mines, shall, before shipment thereof is made, securely brand, stencil or paste upon the head of such barrel or package, a label which shall have plainly printed, marked or written thereon the name and address of the person, firm or corporation compounding the oil therein contained, the name and address of the person, firm or corporation having purchased same, the date of shipment, the percentage and gravity in degrees Baume scale, at a temperature of sixty degrees Fahrenheit, of each of the component parts of animal, vegetable and mineral oil contained in the mixture, and the gravity in degrees Baume scale of the mixture, at a temperature of sixty degrees Fahrenheit.

Each label shall have printed thereon, over the facsimile signature of the person, firm or corporation having compounded the

oil, the following: "This package contains oil for illuminating purposes in coal mines in the State of Montana, and the composition thereof as shown herein is correct."

(c) No person, firm or corporation shall sell or offer for sale any oil for illuminating purposes in any coal mine unless the barrel or package in which such oil was received bears the label of the compounder as provided for in this act.

Each person, firm or corporation selling or offering for sale any oil for illuminating purposes in any coal mine, shall, upon request of the State coal mine inspector, or of any officer or duly authorized agent of any owner or lessee of a coal mine located within five miles of the point where such oil is offered for sale, or of any coal miner, submit such oil for examination, and upon request give a sample of such oil from one or more original containers selected by such inspector, officer, agent or miner for the purpose of making a test thereof.

(d) No person shall adulterate any oil, either before or after taking same from original containers, and shall not alter, transfer or re-use any label placed upon any container.

(e) No person shall use for illuminating purposes in any coal mine any oil other than oil specifically provided for in this act. Each person while in a coal mine shall, upon request of the inspector of mines or any officer or duly authorized agent of the owner or lessees, submit his lamp and supply of oil for examination and upon request give sample of oil for purpose of making test thereof, and state from whom purchased.

The provisions of this act relating to compounding, sale and use of oil for illuminating purposes in coal mines shall apply to oil used in lamps for open lights only, but do not apply to drivers, rope riders or motor men while acting in such capacity. The oil used in safety lamps may be of such composition as will best serve the purpose.

SEC. 95. In no case shall the workings of a coal mine be driven nearer than ten feet to the boundary line of the coal rights per- <sup>Workings</sup> <sup>near bound-</sup> <sup>aries.</sup> taining to said mine, except for the purpose of establishing connecting workings between properties owned by the same person or an underground communication between contiguous mines as provided for elsewhere in this act.

SEC. 96. Immediate notice must be conveyed to the State coal mine inspector by the operator interested: <sup>Notices re-</sup> <sup>quired.</sup>

First: Whenever an accident occurs whereby any person receives serious or fatal injury:

Second: Whenever work is commenced to sink a shaft, slope or drift, either for hoisting or escapement purposes:

Third: Whenever it is intended to abandon any mine or to reopen any abandoned mine:

Fourth: Upon the appearance of any large body of fire damp in mine, whether accompanied by explosion or not, and upon the occurrence of any serious fire within the mine or on the surface around the mine:

Fifth: When the workings of any mine are approaching near any abandoned mine believed to contain accumulation of water or gas:

Sixth: Upon the accidental closing or intended abandonment of any regularly established passageway to an escapement outlet.

SEC. 97. When advised by an operator of any accident in a coal mine involving loss of life or serious personal injury the State coal mine inspector shall, if he deem necessary from the facts reported, and in all cases of loss of life, immediately go to the scene of said accident or send some competent person authorized by him. It shall, moreover, be the duty of every operator of a coal mine, or his agent, to make and preserve for the information of the inspector, upon uniform blanks furnished by the said inspector, a record of all injuries sustained by any employees in the pursuance of their regular occupation. <sup>Investiga-</sup> <sup>tion of acci-</sup> <sup>idents.</sup>

The State coal mine inspector may also make any original or supplementary investigation which he may deem necessary as

to the nature and cause of any accident within his jurisdiction and shall make a record of the circumstances attending the same and of the result of his investigations for preservation in the files of his office.

To enable him to make such investigation he shall have the power to compel the attendance of the witnesses and to administer oaths or affirmations to them and the cost of such investigation shall be paid by the county in which such accident has occurred in the same manner as the cost of coroner's inquest is paid.

Inquests.

SEC. 98. If any person is killed by any explosion, or other accident, the operator must also notify the coroner of the county, his authorized deputy or, in the absence of either or in the inability of either to act, any justice of the peace of said county for the purpose of holding an inquest concerning the cause of such death. At such inquest the State coal mine inspector, his deputy or authorized representative shall offer such testimony as he may be possessed of, and he may question or cross question any witness appearing in the case; and the owner, agent or manager of the coal mine, either in person or by counsel, shall also be at liberty to examine or cross examine any witness at any such inquest.

Any person having personal interest in or employed in the management of the mine in which the accident occurred shall not be qualified to serve on the jury empaneled on the inquest; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the coroner not to allow any such to be sworn or sit on the jury; nevertheless, when possible, one third of the jurymen shall be miners.

Unless the State coal mine inspector, or some person authorized by him, is present at an inquest held upon the body of any person, where death may have been caused by any such accident, the coroner shall adjourn the same and, by written notice or telegram delivered or sent to the State coal mine inspector at least two days before holding the adjourned inquest, give notice of the time and place of the holding of the same. Before such adjournment the coroner, his authorized deputy or the justice of the peace, may take evidence to identify the body and order the interment thereof.

Signals.

SEC. 99. At any coal mine operated by shaft more than one hundred feet in depth, or by slope, the manner of signalling to and from the bottom man, the top man, the rope riders and the engineer shall consist of wires or a tube or tubes through which signals shall be communicated by electricity, compressed air or other pneumatic devices.

The following signals are provided for use at coal mines where signals are required:

One ring or whistle.—One ring or whistle shall signify to hoist coal or the empty cars or cage, and also to stop either when in motion.

Two rings or whistles.—Two rings or whistles shall signify to lower cage or car.

Three rings or whistles.—Three rings or whistles shall signify that men are coming up; when return signal is received from engineer, either by bell, whistle or slight movement of the trip, men will get on cage or cars and the cager or rope rider shall ring or whistle "one" to start.

Four rings or whistles.—Four rings or whistles shall signify to hoist slowly, implying danger.

Five rings or whistles.—Five rings or whistles shall signify accident in the mine and call for stretchers.

From top to bottom.—One ring or whistle shall signify—All ready, get on cage or cars.

From top to bottom.—Two rings or whistles shall signify—To send away empty cage or cars.

*Provided.* That the management of any mine may, with the consent of the State coal mine inspector, add to or change this code

of signals at their discretion for the purpose of increasing its efficiency or of promoting the safety of the men in said mine, but, whatever code may be established and in use at any mine it must be approved by the State coal mine inspector, and shall be conspicuously posted at the top and at the bottom of every shaft or slope, and at the landing place on all rope haulage systems, also in all engine rooms for the information and instruction of all persons. In any coal mine, where more than fifty men are employed underground, one or more telephones shall be installed communicating with the surface.

Sec. 100. The hoisting engineer on any shaft, slope or drift at any mine shall be in constant attendance at his engine during working hours when there are workmen underground. He shall not permit any one to enter or to loiter in the engine room, except those authorized by their positions or duties to do so, and he shall hold no conversation with any officer of the company or other person, or leave his engine, while in motion or while his attention is occupied with the signals. A notice to this effect shall be posted on the door of the engine house. Hoisting engineers.

The hoisting engineer must thoroughly understand the established code of signals, and such signals must be delivered in the engine room in a clear and unmistakable manner, and he shall not recognize any signals other than those provided for in this act, or such as have been approved by the State coal mine inspector; and when he has the signal that men are on the cage, car or cars, he must work his engine only at the rate of speed herein provided for by this act. He shall permit no one to handle or meddle with any machinery under his charge, nor suffer any one who is not a certified engineer to operate his engine except for the purpose of learning to operate it or repair same, and then only in the presence of the engineer in charge and when men are not on the cages, car or cars.

Sec. 101. Each person desiring to work by himself at mining or loading shall first produce satisfactory evidence, in writing, to the mine foreman of the mine in which he is employed, or to be employed, that he has worked at least nine months with, under the direction of, or as a practical miner: *Provided, however,* That if the mine in which such person is to be employed generated explosive gas ore [or] fire damp, he shall have worked not less than twelve months with, under the direction of, or as a practical miner. Until a person has so satisfied the mine foreman of his competency, he shall not work or be permitted to work at mining or loading unless accompanied by a miner holding the foregoing qualifications. Qualifications of miners.

Sec. 102. Every coal mine operator, whether person, copartnership or corporation shall within thirty days after receipt of blanks from the State coal mine inspector asking for statistical data relative to any coal mine operated by the person, copartnership or corporation addressed, fill in the blanks of such forms, answering all interrogations correctly and mail the same to the State coal mine inspector. Statistical reports.

Sec. 103. If any operator, company or corporation neglects to comply with, or violate, the requirements of this act, either in part or in whole, or if any owner, operator, manager, superintendent, mine foreman or his assistant coerces, intimidates or causes any employee to do the things prohibited, or causes them to do as provided against in this act, such operator, company, corporation, manager, superintendent, mine foreman or his assistant shall be liable to a penalty of twenty-five dollars for each and every day during which the offense continues; proceedings to be instituted in any court of competent jurisdiction in the county in which such offense is committed. Violations.

In case of the failure of any operator, company or corporation to comply with the provisions in this act in relation to the sinking of escapement shaft or the ventilation of mines the State coal mine inspector, through the county attorney for the county in which such failure occurs, or through any other attorney in

case the county attorney fails to act promptly, shall proceed against such operator by injunction, without bond, to restrain him from continuing to operate such portion of the mine until all legal requirements have been complied with.

When the State coal mine inspector shall discover that any section of this act, or any part thereof, is being neglected or violated he shall order immediate compliance therewith and in case of continued failure to comply shall, through the county attorney or any other attorney in case of his failure to act promptly, take the necessary legal steps to enforce compliance therewith through the penalties herein prescribed.

If it becomes necessary, through refusal or failure of the county attorney to act, for any other attorney to appear for the State in any suit involving the enforcement of any of the provisions of this act, reasonable fees for the services of such attorney shall be allowed by the county commissioners in and for the county in which such proceedings are instituted.

Any employee engaged at work in or around any coal mine in the State of Montana, or any other person, who violates any part of this act shall for each offense be liable to a penalty not exceeding five dollars, or in default of payment shall be imprisoned in the county jail for a period of time not exceeding ten days, proceedings to be instituted in any court of competent jurisdiction in the county in which such offense is committed. Any person, firm or corporation who compounds, sells or offers for sale to dealers any oil for illuminating purposes in any coal mine in this State, contrary to the provisions of section 97 of this act, shall, upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars and for the second offense, or any subsequent offense shall be fined not less than one hundred dollars or imprisonment not less than thirty days nor more than sixty days, or both at the discretion of the court, proceedings to be instituted in any court of competent jurisdiction.

Any person, firm or corporation who sells, or offers for sale, to any employee of a coal mine any oil for illuminating purposes in a mine contrary to the provisions of section 97 of this act, shall, upon conviction thereof, be fined not less than twenty-five dollars or more than fifty dollars, and for a second or subsequent offense shall be fined not less than twenty-five dollars and not more than fifty dollars or imprisonment, not less than ten days and not more than twenty days, or both at the discretion of the court, proceedings to be instituted in any court of competent jurisdiction.

#### Definitions.

SEC. 104. (a) "Mine." In this act the words "Mine" and "coal mine" used in their general sense are intended to signify any and all underground parts of the property of a mining plant which contribute, directly or indirectly, under one management, to the mining or handling of coal.

(b) "Excavations or Workings." The words "excavations" and "workings" signify any and all parts of a mine excavated or being excavated, including shafts, slopes, tunnels, entries, rooms and working place, whether abandoned or in use.

(c) "Shafts." The term "shaft" means any verticle [vertical] opening through the strata which is or may be used for the purpose of ventilation or escapement, or for hoisting or lowering of men or material in connection with the mining of coal.

(d) "Slope" or "Drift." The terms "slope" and "drift" mean respectively an incline or horizontal way, opening or tunnel to a seam of coal to be used for the same purpose as a shaft.

(e) "Following shot." A "following shot" is a shot which is dependent in its action on the result of another shot.

(f) "Operator." The term "operator" as applied to the party in control of a mine under this act, signifies the person, firm or body corporate who is the immediate proprietor as owner or lessee of the plant and, as such, responsible for the condition and management thereof.

(g) "Mine Foreman." The "mine foreman" is a person who is charged with the general direction of the underground work, or

both the underground work and the outside work of any coal mine, and who is commonly known and designated as "mine boss."

(h) "Mine examiner." The "Mine examiner" is the person charged with the examination of the condition of the mine before the miners are permitted to enter it, and who is commonly known as the "fire boss."

SEC. 105. The following sections 1679, \* \* \* [to] 1710, 2023 of the Revised Codes of the State of Montana and chapter 64 and 69 of the laws of 1909, of the State of Montana are hereby expressly repealed, and all other acts or parts of acts in conflict herewith.

Repeals.

Approved March 7, 1911.

CHAPTER 127.—*Employment of children—Enforcement of laws.*

SECTION 1. Section 1664 of the Revised Codes of the State of Montana of 1907 \* \* \* is hereby amended so as to read as follows:

Section 1664. The secretary [of the bureau of child and animal protection] shall have the power to appoint six deputies, one of whom shall have his office in the city of Butte, one in Great Falls, one in Havre, one in Billings, one in Missoula and one in Kalispell. Such deputies shall take and subscribe the same oath required by the principal, and the same shall be of record in the secretary's office.

Inspectors.

The deputies shall have the same power and authority as fixed by law in the principal, and shall have a salary of eighteen hundred (\$1800) dollars, per annum, payable monthly, out of the public treasury. They shall make full and complete reports every month to said principal showing all their official acts, with names of persons accused and against whom prosecution may have been instituted, and the results thereof. Said deputies may be removed, at any time by the secretary, and another appointed to fill the vacancy. All deputies shall have authority to investigate cases reported to said bureau from any section of the State of Montana when called or directed to so do by the secretary of said bureau.

Reports.

Approved March 8, 1911.

NEBRASKA.

ACTS OF 1911.

CHAPTER 56.—*Fire escapes on factories, etc.*

SECTION 1. After the passage and approval of this act, \* \* \* every building \* \* \* more than two stories high and containing above the ground floor \* \* \* work rooms, \* \* \* all or any of which rooms are designed for occupancy by fifteen or more persons, shall be provided with one or more fireproof stairways, chutes or toboggans constructed on the outside thereof, placed in such position and as many in number as may be designated by the commissioner of labor, or his deputy commissioner of labor. Such fire proof stairways, chutes or toboggans shall connect the cornice with the top of the first story of such building by a wrought iron or steel platform, properly surrounded with a wrought iron or steel railing; said platform to be constructed on a level with the floor of each story so connected, and of sufficient length to permit access to the same from not less than two windows of each story—said platform shall be so constructed as to be of convenient access from the interior of the building, commodious in size and form and of sufficient strength to be safe for the purpose of ascent and descent, \* \* \* further, that all buildings more than two stories in height used for manufacturing purposes, mercantile establishments, \* \* \* where twenty-five or more persons congregate at any one time, there shall be placed one automatic metallic fire escape or device for every twenty-five persons, for which working, \* \* \* ac-

What buildings to have fire escapes.

Construction.

commodations are provided above the second floor of said building, material, design and location of such escapes to be subject to the approval of the deputy commissioner of labor. \* \* \*

## Inspection.

SEC. 2. For the purpose of carrying out the provisions of this act the commissioner of labor is hereby authorized and required when it shall come to his notice that there is any building in this State where the provisions of this bill are being violated, to inspect such building. Such inspection may be by the commissioner of labor, deputy commissioner of labor or such other person as may be appointed by the deputy commissioner of labor for the purpose of making such inspection.

Such persons shall be under control and direction of the deputy commissioner of labor and are especially charged with the duties imposed, and shall receive such compensation as shall be fixed by the deputy commissioner of labor, not to exceed three dollars a day, together with all necessary expenses. All compensation for services and expenses provided for in this act shall be paid by the State treasurer out of the general appropriation for the bureau of labor census and industrial statistics, upon the warrant of the State auditor: *Provided*, That the deputy commissioner of labor in charge shall present to the governor, on or before the fifteenth day of December of each year, a report of such inspection with such recommendation as may be necessary.

## Violations.

SEC. 3. Any owner, lessee, or occupant who shall fail to place or cause to be placed upon such building such fire escape or escapes as required by this act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five nor more than one hundred dollars and shall stand committed to the county jail until such fine is paid.

## Prosecutions.

SEC. 4. The county attorney of each county in this state is hereby authorized and required upon the complaint on oath of the deputy commissioner of labor or other person, to prosecute to termination before any court of competent jurisdiction, in the name of the people of the State of Nebraska a proper action or proceeding against any person or persons violating the provisions of this act.

Approved April 10, 1911.

CHAPTER 65.—*Protection of employees on buildings.*

## Scaffolds, etc.

SECTION 1. All scaffolds, hoists, cranes, stays, ladders, supports or other mechanical contrivances, erected or constructed by any person, firm or corporation in this State, for the use in the erection, repairing, alteration, removal or painting of any house, building, bridge, viaduct or other structure, shall be erected and constructed, in a safe, suitable and proper manner, and shall be so erected and constructed, placed and operated as to give proper and adequate protection to the life and limb of any person or persons employed or engaged thereon, or passing under or by the same, and in such manner as to prevent the falling of any material that may be used or deposited thereon. Scaffolding or staging, swung or suspended from an overhead support more than twenty (20) feet from the ground floor, shall have where practicable a safety rail properly bolted, secured and braced, rising at least thirty-four inches above the floor, or main portion of such scaffolding or staging, and extending along the entire length of the outside and ends thereof and properly attached thereto, and such scaffolding and staging shall be so fastened as to prevent the same from swaying from the building or structure.

## Supports for joists.

SEC. 2. If in any house, building or structure in process of erection or construction in this State (except a private barn or a private house, used exclusively as a private residence), the distance between the inclosed walls is more than twenty-four (24) feet in the clear, there shall be built, kept and maintained, proper intermediate supports for the joists, which supports shall be either brick walls or iron or steel columns, beams, trusses or girders, and the floors in all such houses, buildings or structures, in process

of erection and construction, shall be designed and constructed in such a manner as to be capable of bearing in all their parts, in addition to the weight of the floor construction, partitions and permanent fixtures and mechanisms that may be set upon the same, a live load of fifty (50) pounds for every square foot of surface in such floors, and it is hereby made the duty of the owner, lessee, builder or contractor or subcontractor of such house, building or structure, or the superintendent or agent of either, to see that all the provisions of this act are complied with.

Strength of floors.

Sec. 3. It shall be the duty of the owner of every house, building or structure (except a private barn or a private house, used exclusively as a private residence) now under construction, or hereafter to be constructed, to affix and display conspicuously, on each floor of such building, during construction, a placard, stating the load per square foot of floor surface, which may, with safety, be applied to that particular floor during such construction; or if the strength of different parts of any floor varies, then there shall be such placards for each varying part of such floor. It shall be unlawful to load any such floors or any part thereof, to a greater extent than the load indicated on such placard and all such placards shall be verified and approved by the deputy State labor commissioner or the local commissioner or inspector of buildings or other proper authority in the city, town or village charged with the enforcement of building laws.

Notices to be posted.

Overloading.

Sec. 4. Whenever it shall come to the notice of the State labor commissioner or his deputy, or the local authority in any city, town or village in this State, charged with the duty of enforcing the building laws, that the scaffolding or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes of any swinging or stationary scaffolding, platform or other similar device, used in the construction, alteration, removing, repairing, cleaning or painting of buildings, bridges or viaducts within this State are unsafe, or liable to prove dangerous to the life or limb of any person, the State labor commissioner or his deputy, or such local authority or authorities, shall immediately cause an inspection to be made of such scaffolding, platform or device or the slings, hammers, blocks, pulleys, stays, braces, ladders, iron or other parts connected therewith. If after examination, such scaffolding, platform or device or any of such parts is found to be dangerous to the life or limb of any person, the State labor commissioner or his deputy, or such local authority, shall at once notify the person responsible for its erection or maintenance, of such fact, and warn him against the use, maintenance or operation thereof and prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger. Such notice may be served personally upon the person responsible for its erection or maintenance or by conspicuously affixing it to the scaffold, platform or other such device, or the part thereof declared to be unsafe. After such notice has been so served or affixed, the person responsible therefore shall cease using and immediately remove such scaffolding, platform or other device or part thereof, and alter or strengthen it in such manner as to render it safe.

Inspections.

Unsafe conditions.

The State labor commissioner or his deputy or such local authority, whose duty it is, under the terms of this act, to examine or test any scaffolding, platform or other similar device, or part thereof required to be erected and maintained by this section, shall have free access at all reasonable hours to any building or structure or premises containing such scaffolding, platform or other similar device, or parts thereof, or where they may be in use. All swinging, stationary scaffolding, platforms and other devices shall be so constructed as to bear four times the maximum weight required to be dependent thereon, or placed thereon, when in use, and such swing scaffolding, platform or other device shall not be so overloaded or crowded as to render the same unsafe or dangerous.

Access to buildings.

Strength of scaffolds, etc.

Sec. 5. Any person, firm or corporation in this State hiring, employing or directing another to perform labor of any kind in

Secondary scaffolds.

erecting, altering, repairing, or painting of any water pipe, stand pipe, tank, smoke stack, chimney, tower, steeple, pole, staff, dome or cupola, when the use of any scaffolding, staging, swing, hammock, support, temporary platform or other similar contrivance are required or used in the performance of such labor, shall keep and maintain at all times, while such labor is being performed, and such mechanical device is in use or operation, a safe and proper scaffold, stay, support or other suitable device, not less than sixteen (16) feet below such working scaffold, staging, swing, hammock, support or temporary platform, when such work is being performed at a height of thirty-two (32) feet or more, for the purpose of preventing the person or persons performing such labor from falling, in case of any accident to such working scaffold, staging, swing, hammock, support or temporary platform.

Flooring to  
be laid.

SEC. 6. All contractors and owners, when constructing buildings where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are fireproof material or brick work, shall complete the flooring or filling in as the building progresses, to within at least two tiers or beams below that on which the iron work is being elected [erected]. If the plans and specifications of such building do not require filling in between the beams of floors with brick or fireproof material, all contractors for carpenter work in the course of construction shall lay the under flooring thereof or a safe temporary floor on each story as the building progresses to within at least two stories or floors below the story where the work is being performed. If the floor beams are of iron or steel the contractors for the iron or steel work of buildings in the course of construction or the owners of such buildings, shall thoroughly plank over the entire tier or iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work and for the raising and lowering of materials, to be used in the construction of buildings, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts.

Hoistways.

SEC. 7. If elevating machines or hoisting apparatus are used within a building in the course of construction, for the purpose of lifting materials to be used in such construction, the contractors or owners shall cause the shafts or openings in each floor to be inclosed or fenced in on all sides by a substantial barrier or railing at least eight feet in height. Any hoisting machine or engine used in such building construction shall, where practicable, be set up or placed on the ground, and where it is necessary in the construction of such building to place such hoisting machine or engine on some floor above the ground floor, such machine or engine must be properly secured and supported with a foundation capable of safely sustaining twice the weight of such machine or engine. If a building in course of construction is five stories or more in height, no material needed for such construction shall be hoisted or lifted over public streets or alleys unless such street or alley shall be barricaded from use by the public. The chief officer in any city, town or village charged with the enforcement of local building laws and ordinances, and the State labor commissioner and his deputy are hereby charged with enforcing the provisions of this act: *Provided*, That in any town, city or village where no local building inspector or commissioner is provided for by the law the mayor or other chief officer of such city, town or village and the chief of police or town marshal of such city, town or village are hereby charged with the enforcement of the provisions of this act.

Signals.

SEC. 8. If elevating machines or hoisting apparatus, operated or controlled by other than hand power, are used in the construction, alteration or removal of any building or other structure, a complete and adequate system of communication by means of signals shall be provided and maintained by the owner, contractor or subcontractor, during the use and operation of such elevating ma-

chines or hoisting apparatus, in order that prompt and effective communication may be had at all times between the operator of engine or motive power of such elevating machine and hoisting apparatus, and the employees and persons engaged thereon, or in using or operating the same.

SEC. 9. It shall be the duty of all architects or draftsmen engaged in preparing plans, specifications or drawings to be used in the erection, repairing, altering or removing of any building or structure within the terms and provisions of this act to provide in such plans, specifications and drawings for all the permanent structural features or requirements specified in this act; and any failure on the part of any such architect or draftsman to perform such duty, shall subject such architect or draftsman to a fine of not less than twenty-five (\$25) dollars nor more than two hundred (\$200) dollars for each offense.

Duties of architects, etc.

SEC. 10. Any owner, contractor, subcontractor, foreman or other person, having charge of the erection, construction, repairing, alteration, removal or painting of any building, bridge, viaduct or other structure within the provisions of this act, shall comply with all the terms thereof, and any such owner, contractor, subcontractor, foreman or other person, violating any of the provisions of this act shall upon conviction thereof be fined not less than twenty-five (\$25) dollars, nor more than five hundred (\$500) dollars or imprisoned for not less than three (3) months nor more than two (2) years, or both fined and imprisoned in the discretion of the court.

Duties of owners, etc.

And in case of any such failure to comply with any of the provisions of this act, the State labor commissioner or his deputy or the chief officer of any city, town or village charged with the enforcement of local building laws and ordinances may, through the county attorney of the proper county, or any other attorney in case of the failure of the county attorney to act promptly, take the necessary legal steps to enforce compliance therewith. If it becomes necessary, through the refusal or failure of the county attorney to act, for any other attorney to appear for the State in any suit involving the enforcement of the provisions of this act, reasonable fees for the services of such attorney shall be allowed by the board of supervisors or county commissioners in and for the county in which such proceedings are instituted.

Prosecutions.

SEC. 11. For any injury to person or property, occasioned by any violation of this act, or failure to comply with any of its provisions, a right of action shall accrue to the party injured, for any direct damages sustained thereby; and in case of loss of life by reason of such violation or failure, as aforesaid, a right of action shall accrue to the widow of the person so killed for the benefit of herself and the children or adopted children of the person so killed. In case the person so killed shall not leave a widow or children a right of action shall accrue in favor of any other person or persons who were, before such loss of life, dependent in any degree for support on the person or persons so killed. In case the person or persons so killed shall leave a widow surviving the action shall be brought in her name for the benefit of herself and children, if any surviving, of such person or persons, but in the event that no widow shall survive such person or persons, so killed, action shall be brought in the name of the administrator of his estate for and in behalf of the proper persons. The fact that any employee, servant or other person shall continue to work during the time such owner, contractor or subcontractor has failed to comply with the provisions of this act shall not be considered as an assumption of the risk of such employment by such employee, servant or other person and shall not in any case bar recovery of damages for the failure of such owner, contractor or subcontractor to comply with the provisions of this act. In all actions brought to recover damages for injuries caused by a failure to comply with the terms and provisions of this act the owner, contractor and subcontractor, if any, shall in all cases be jointly and severally liable in damages for all injuries caused through

Damages.

What risks not assumed.

Contractors, a failure to comply with this act. The owner, contractor and subcontractor, if any, shall in all cases be jointly and severally liable in damages for all injuries caused through a failure to comply with this act. The owner, contractor and subcontractor, if any, shall in all cases be held liable for the failure or neglect of any superintendent, foreman or other agent, employed by them, or either of them, to comply with the provisions of this act: *Provided, however,* That the provisions of the foregoing act shall not apply to any buildings which do not exceed 33 feet in height above the foundation.

Approved April 7, 1911.

CHAPTER 66.—*Termination of contract of employment—Statement of cause.*

Statement on request.

SECTION 1. Whenever any employee of any public service corporation, or of a contractor, who works for such corporation or contractor doing business in the state of Nebraska, shall be discharged, or voluntarily quits the service of the employer, it shall be the duty of the superintendent, or manager, or contractor, upon the request of such employee, to issue to such employee a service letter, setting forth the nature of the service rendered by such employee, to such corporation, or contractor, and the duration thereof, and truly stating the cause for which such employee was discharged, or quits the service.

Form.

SEC. 2. *Providing,* That such letter shall be written in its entirety upon a plain sheet of white paper to be selected by such employee. No printed blank shall be used, and if such letter be written by a typewriter, it shall be signed with a pen and black ink, and immediately beneath such signature shall be affixed the official stamp or seal of such superintendent, manager or other official of such corporation or contractor, in an upright position, there shall be no figures, words or letters, used upon such piece of paper except such as are plainly essential, either in the date line or address, or the body of the letter, or the signature and seal or stamp thereof, and no such letter shall have any picture, imprint, or character, design or device, impression or mark, either in the body thereof or the face or back thereof, and any person of whom such letter is required who fails to comply with the foregoing requirements shall be deemed guilty of a misdemeanor.

Violations.

SEC. 3. And if any superintendent or manager or contractor should fail, or refuse, to issue such letter to such employee who so requested, or should willfully fail, or negligently refuse such letter, failing to state the facts correctly, such superintendent, manager or contractor shall upon conviction thereof be punished, by a fine not less than one hundred dollars, or more than five hundred dollars, for each offense, and by imprisonment in the county jail for a period of not less than one month, and not to exceed one year.

Approved April 7, 1911.

CHAPTER 67.—*Factory regulations—Sanitation.*

Water - closets, etc.

SECTION 1. Every factory, mill, or workshop, mercantile or mechanical establishment or other building where eight or more persons are employed, shall be provided within reasonable access, with a sufficient number of water-closets, earth closets, or privies for the reasonable use of the persons employed therein, and whenever male or female persons are employed as aforesaid together, water-closets, earth closets or privies separate and apart, shall be provided for the use of each sex, and plainly so designated, and no person shall be allowed to use such closet or privy assigned to the other sex. Such closets shall be properly enclosed and ventilated and at all times kept in a clean and good sanitary condition. When the number employed is more than twenty of either sex, there shall be provided an additional closet for such sex up to the number of forty, and above that number in the same ratio.

The labor commissioner, his deputy or any member of the State board of inspectors, may require such changes in the placing of such closets as he may deem necessary and may require other changes which may serve the best interests of morals and sanitation.

SEC. 2. In factories, mills or workshops, mercantile or mechanical establishments or other places where the labor performed by the operator is of such a character that it becomes desirable or necessary to change the clothing, wholly or in part, before leaving the building at the close of the day's work, separate dressing rooms shall be provided for females whenever so required by the labor commissioner, his deputy or any member of the State board of inspectors. It shall be the duty of every occupant, whether owner or lessee of any such premises used as specified by this act, to make all the changes and additions thereto. In case such changes are made upon the order of the commissioner of labor, or any factory inspector to the lessee of the premises, the lessee may at any time within thirty days after the completion thereof, bring an action against any person or corporation or partnership having interest in such premises, and may recover such proportion of expenses of making such changes and additions as the court adjudges should justly and equitably be borne by such defendant.

SEC. 3. If in any of the aforesaid places, any process is carried on, by which dust or fumes is caused, which may be inhaled by the persons employed therein, or if the air should become exhausted or impure, there shall be provided a fan or such other mechanical device, as will substantially carry away all such dust or fumes or other impurities.

SEC. 4. All of the aforesaid places shall be kept clean and free from effluvia arising from any drain, privy or nuisance, and shall be ventilated and kept in a sanitary condition. The labor commissioner, his deputy or any member of the State board of inspectors may require such changes or additions to be made in any of the aforesaid places as will promote the best measures of sanitation.

SEC. 5. All persons, companies or corporations operating any factory or workshop where grinding machines or grinding wheels, emery wheels or emery belts of any description are used either solid emery, leather, leather covered, felt, canvas, linen, paper, cotton, or wheels or belts rolled or coated with emery or corundum or cotton wheels used as buffs, shall, when deemed necessary, by the labor commissioner, his deputy or any member of the State board of inspectors, provide such wheels or belts with blowers or similar apparatus, which shall be placed over, beside or under such wheels or belts in such manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation, directly to the outside of the building or to some receptacle placed so as to receive and confine such dust: *Provided*, That grinding machines upon which water is used at the point of grinding contact and other wheels used for tool grinding shall be exempt from the provisions of this act.

SEC. 6. No emery wheels or grindstones in any factory, mill or workshop, shall be used when the same is known to the person using the same to be cracked or otherwise defective, nor operated at a greater speed than indicated or guaranteed by the manufacturer of such emery wheel or grindstone.

SEC. 7. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth in the preceding section, as follows: Each and every such wheel shall be fitted with a sheet or cast iron hood or hopper, of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels, or will be thrown into

Dressing rooms.

Ventilation.

Sanitation.

Grinding and polishing machines.

Cracked wheels.

Apparatus to be provided.

such hood or hopper by centrifugal force, and be carried off by the current of air into a suction pipe attached to same hood or hopper.

**Suction pipes.** Sec. 8. Each and every such wheel six inches or less in diameter shall be provided with a three-inch suction pipe; wheels six inches to twenty-four inches in diameter, with four inch suction pipe; wheels from twenty-four inches to thirty-six inches in diameter, with five inch suction pipe; and all wheels larger in diameter than those stated above shall be provided each with a suction pipe not less than six inches in diameter. The suction pipe from each wheel, so specified, must be full size as the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall, in its diameter and capacity, be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan connected with the suction pipe or pipes shall be as large, or larger than the suction pipe.

**Guards for dangerous machinery.** Sec. 9. It shall be the duty of any person, company or corporation operating any factory, mill, workshop, mercantile or mechanical establishment to provide or construct such guards and protection as will protect all employees against injury from all belting, shafting, gearing, elevators, drums, saws, cogs, or any vessel filled with molten metal or hot liquid shall be properly protected by placing guards, boxing or screens to prevent all such and they shall also furnish and supply therein belt shifters or other safe mechanical contrivance, for the purpose of throwing on or off belts or pulleys.

**Accidents to be reported.** Sec. 10. It shall be the duty of the owners or superintendents of all factories, workshops, mills, or mechanical establishments, to report in writing to the labor commissioner or his deputy, all fatal accidents within forty-eight hours after their occurrence; and all accidents which prevent the injured person or persons from returning to work within two weeks after the injury shall within one week after the expiration of such two weeks, be reported in writing by the person in charge of such establishment or place to the said labor commissioner or his deputy, stating as fully as possible the cause of such accidents.

**Existing appliances.** Sec. 11. The provisions of section 8, shall not apply to existing mills, factories or workshops which, at the time of the passage of this act, have an appliance or appliances designed and used for the purpose of removing such dust from the polishing room, and which said appliance or appliances substantially effect such design.

**Damages.** Sec. 12. For an injury to a person occasioned by any violation of this act, by the failure to comply with any of its provisions, a right of action shall accrue to the party injured, for any direct damages sustained thereby; and in case of loss of life by reason of such violation or failure, as aforesaid, a right of action shall accrue to the heirs of the person so killed. The fact that any employee, servant or other person shall continue to work during the time such owner has failed to comply with the provisions of this act shall not be considered as an assumption of the risk of such employment by such employee, servant or other person and shall not in any case bar recovery of damages for the failure of such owner, to comply with the provisions of this act. In all actions brought to recover damages for injuries caused by failure to comply with the terms and provisions of this act the owner, shall in all cases be liable in damages for all injuries caused through a failure to comply with this act. The owner shall in all cases be held liable for the failure or neglect of any superintendent, foreman, or other agent, employed by them, or either of them, to comply with the provisions of this act.

**Liability for noncompliance.** Sec. 13. It shall be the duty of the deputy labor commissioner and every factory inspector of this State, or his deputies to enter any factory or workshop in this State during working hours, and upon ascertaining the facts that the proprietors or managers of such factory or workshops have failed to comply with the provisions of this act, to make complaint of the same in writing be-

fore a justice of the peace or police magistrate having jurisdiction, who shall thereupon issue his warrant, direct to the owner, manager or director, in such factory or workshop, who shall be thereupon proceeded against for the violation of this act as hereinafter mentioned, and it is made the duty of the prosecuting attorney to prosecute all cases under this act.

Sec. 14. Any owner, lessee, or any person or corporation having charge of any of the aforesaid buildings or places or any such person or persons or company, or managers, superintendents or directors of any such company or corporation, who shall have the charge or management of such factory or workshop or places aforesaid, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not less than ten dollars and not exceeding one hundred dollars.

Violations.

Approved April 8, 1911.

#### CHAPTER 88.—*Railroads—Caboose cars.*

SECTION 1. The provisions of this act shall apply to any corporation or to any person or persons while engaged as common carriers in the transportation by railroad of passengers or property within this State to which the regulative power of this State extends.

Scope of law.

Sec. 2. From and after the first day of June, 1914, it shall be unlawful, except as otherwise provided in this act, for any such common carrier by railroad to use on its lines any caboose car or other car used for like purposes unless such caboose or other car shall be at least twenty-four feet in length exclusive of the platforms and equipped with two four wheel trucks, and said caboose car or other car shall be of constructive strength equal to that of the thirty (30) ton capacity freight cars constructed according to M. C. B. (master car builders) standards, and shall be provided with a door in each end thereof and an outside platform across each end of said car; each platform shall be not less than twenty inches in width and shall be equipped with proper guard rails, and with grab irons and steps for the safety of persons getting on and off of said car. Said steps shall be equipped with a suitable rod, board or other guard at each end and at the back thereof properly designed to prevent slipping from said step. Said cabooses shall be not less than eleven feet in height, with cupola, and necessary closets and windows: *Provided*, That this act shall not apply where said car so used for a way car or a caboose car, is a passenger car or a combination passenger and baggage car.

Dimensions and equipment.

Sec. 3. Whenever any such caboose car or other car now in use by any such common carriers as provided by section 1 herein shall, after this act goes into effect, be brought into any shop for general repairs, it shall be unlawful to again put the same into the service of such common carrier within this State, unless it be equipped as provided in section 2 of this act.

Repairing cabooses.

Sec. 4. The State railroad [way] commission is hereby authorized to grant to any common carrier aforesaid, upon full hearing and for good cause shown, a reasonable extension of time in which to comply with the provisions of this act: *Provided*, That in no case shall such extension in the aggregate exceed a period of one year from the time herein limited for compliance with this act.

Extension of time.

Sec. 5. Any common carrier as provided in section 1 of this act 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 nor more than five hundred dollars for each offense.

Violations.

Approved March 14, 1911.

## CHAPTER 148.—Hours of labor of employees on railroads.

## Scope of law.

SECTION 1. The provisions of this act shall apply to any common carrier or carriers, their officers, agents and employees, engaged in the transportation of passengers or property by railroad, in the State of Nebraska, and the term railroad as used in this act shall include all bridges and ferries used or operated in connection with any railroad, whether owned or operated under a contract agreement or lease, and the term employees, as used in this act shall be held to mean persons actually engaged in or connected with the movement of any train.

## Sixteen-hour day.

SEC. 2. It shall be unlawful for any common carrier, its officers or agents subject to this act, to require or permit any employee subject to this act to be, or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours, he shall be relieved and not be permitted or required, to again go on duty without having at least ten consecutive hours' rest off duty, and no such employee who has been on duty sixteen hours in the aggregate in any twenty-four hour period, shall be required or permitted to continue or again go on

## Eight hours rest.

duty, without having had at least eight consecutive hours off duty: *Provided*, That no operator train dispatcher or other employee who by the use of the telegraph, or telephone, dispatches, reports, transmits, or receives, or delivers orders pertaining to or affecting train movements shall be required, or permitted to

## Nine-hour day.

be or remain on duty for a longer period than nine hours, in any twenty-four hour period, in all towers, offices, places, and stations, continuously operated, day and night nor for a longer period than thirteen hours, in all towers, offices, and places, and stations operated only during the daytime, except in cases of emergency, when the employees named in this proviso may be permitted to be or remain on duty, for four additional hours in a twenty-four hour period, or not to exceed three days in any one week: *Provided further*, The State railway commissioners, may, after full hearing in a particular case, and for good cause shown, extend the period within which a common carrier shall comply with the provisions of this proviso as to such case.

## Violations.

SEC. 3. Any such common carrier or any officer, or agent thereof requiring or permitting any employee to go, be, or remain, on duty in violation of the second section hereof, shall be liable to a penalty of not to exceed five hundred dollars, for each and every violation thereof, to be recovered in a suit or suits to be brought by the county attorney, of the county in the State having jurisdiction in the locality where the violation shall have been committed, and it shall be the duty of such county attorney to bring such suits, upon satisfactory information being lodged with him, but no such suit shall be brought after the expiration of one year, from the date of such violations, as may come to his knowledge. In all prosecutions under this act the common carrier shall be deemed to have had knowledge of all acts of its officers and agents: *Provided*, That the provisions of this act shall not apply in any case of casualty, or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier, or its officers, and agents, in charge of such employee, at the time said employee left a terminal and which could not have been foreseen: *Provided further*, That this act shall not apply to the crews of wrecking or relief trains.

## Exceptions.

## Enforcement.

SEC. 4. It shall be the duty of the State railway commissioners to execute and enforce the provisions of this act, and all powers granted to the State railway commissioners, are hereby extended to it in the execution of this act.

Approved March 13, 1911.

## NEVADA.

## ACTS OF 1911.

CHAPTER 17.—*Inspector of mines.*

SECTION 1. The term of office of inspector of mines for the State of Nevada, that would expire on the first Monday of January, 1913, is hereby extended to the first Monday of January, 1915, and said officer [shall] be elected every four years thereafter, as are other officers of the executive department of the State. Term of office.

Approved February 20, 1911.

CHAPTER 20.—*Leave of absence for State employees.*

SECTION 1. Each and every State employee who has been in the service of the State for six months or more, in whatever capacity, shall be allowed, in each calendar year, a leave of absence of fifteen days, with full pay, providing the head of each department shall fix the date of such leave of absence. Fifteen days' leave.

Approved February 21, 1911.

CHAPTER 66.—*Payment of wages in scrip.*

SECTION 1. 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. Orders, etc., to be negotiable.

SEC. 2. Any violation of this act shall be a misdemeanor or [and] punishable by a fine of not exceeding \$500.

Approved March 15, 1911.

CHAPTER 118.—*Mines—Fire-fighting and rescue apparatus.*

SECTION 1. The sum of fifteen hundred dollars is hereby appropriated out of the general fund in the State treasury to enable the inspector of mines to purchase, for emergency use, such equipment for fighting fires, rescue work and the resuscitation of persons overcome with smoke and gases in mines, as in his judgment may be required. Apparatus to be purchased.

Approved March 18, 1911.

CHAPTER 133.—*Education—Compulsory school attendance.*

SECTION 203. Each parent, guardian, or other person, in the State of Nevada, having control or charge of any child between the ages of eight and sixteen years shall be required to send such child to a public school during the time in which a public school shall be in session in the school district in which said child resides; but such attendance shall be excused: \* \* \*

4. When satisfactory evidence is presented to the board of trustees that the child's labor is necessary for its own or its parent's support. \* \* \* Exception.

Approved March 20, 1911.

CHAPTER 154.—*Employment of labor—False representations.*

False representations forbidden.

SECTION 1. It shall be unlawful for any person, persons, company, corporation, society, association or organization of any kind doing business in this State, by himself, itself, themselves, his, its, or their agents, or attorneys to induce, influence, persuade or engage workmen to change from one place to another in this State, or to bring workmen of any class or calling into this State to work in any of the departments of labor in this State, through means of false or deceptive representations, false advertising or false pretenses concerning the kind and character of the work to be done, or amount and character of the compensation to be paid for such work, or the sanitary or other conditions of their employment, or as to the existence or nonexistence of a strike, or other trouble pending between employer and employees at the time of or prior to such engagement, proposal or contract for such employment of workmen.

Violations.

SEC. 2. Any person, persons, company, corporation, society, association or organization of any kind doing business in this State, as well as his, their, or its agents, attorneys, servants or associates found guilty of violating section one (1) of this act, or any part thereof, shall be fined in a sum not less than two hundred dollars (\$200), nor more than two thousand dollars (\$2,000), or confined in the county jail for a period of not less than sixty days nor more than one year, or when the defendant or defendants is or are a natural person or persons, by both such fine and imprisonment.

Damages.

SEC. 3. Any workman of this State or any workman of another State who has been or shall be influenced, induced or persuaded to engage with any person mentioned in section one (1) of this act, or any company, corporation, society or organization mentioned in section one (1) of this act, through or by means of any of the things therein prohibited, after this act becomes in force and effect, and each of such workmen shall have a cause of action, for recovery and may recover at law, for all damages that each of such workmen shall have sustained in consequence of the false or deceptive representations, false advertising or false pretenses, used to induce him to change his place of employment, or place of abode in case such workman shall not be then employed at the time of such inducement and hiring, against any person or persons, corporations, companies or associations, directly or indirectly causing such damages; and in any action under this act, for the recovery of such damages, the court shall have the power to award a reasonable attorney's fee in favor of the prevailing party and to be taxed as costs against the losing party therein.

Approved March 22, 1911.

CHAPTER 159.—*Sale of liquor near construction camps.*

Sale forbidden, where.

SECTION 1. It shall be unlawful to grant a license to any person, firm or corporation to sell, barter, exchange or otherwise to dispose of any malt, spirituous, vinous or other intoxicating liquors within five miles of any camp or assemblage of men engaged in the construction or reconstruction of any railway or Government construction or reconstruction works where twenty-five or more men are employed.

Proviso.

SEC. 2. \* \* \* *Provided*, That nothing in this act shall apply to the sale of liquors made under a license issued by any incorporated town or city nor to sales at a saloon, store or hotel at which such liquors are sold or otherwise disposed of outside of the corporate limits of towns and cities where such saloon, store or hotel has been established in a substantial building of permanent character and has been licensed for at least six months immediately prior to the beginning of such construction work within the said five-mile limit.

Approved March 22, 1911.

CHAPTER 162.—*Public service commission—Accidents to be reported.*

SECTION 27. Every public utility shall, whenever an accident occurs in the conduct of its operations, causing death or personal injuries, give immediate notice thereof to the commission. If in its judgment the public interest requires it, the commission shall cause an investigation to be made forthwith, at such place and in such manner as the commission shall deem it best.

Who to make reports.  
Investigations.

Approved March 23, 1911.

CHAPTER 183.—*Compensation for injuries to workmen—Hazardous employments.*

SECTION 1. If in any employment to which this act applies personal injury disabling a workman from his regular service for more than ten days, or death by accident, arising out of and in the course of employment is caused to a workman, the workman so injured, or in case of death, the member of his family, as hereinafter defined, shall be entitled to receive from his employer, and the said employer shall be liable to pay, the compensation provided for in this act: *Provided*, That recovery hereunder shall not be barred where such employee may have been guilty of contributory negligence where such contributory negligence is slight and that of the employer is gross in comparison, but in which event the compensation may be diminished in proportion to the amount of negligence attributable to such employee, and it shall be conclusively presumed that such employee was not guilty of contributory negligence in any case where the violation of any statute enacted for the safety of employees contributed to such employee's injury; and it shall not be a defense: (1) That the employee either expressly or impliedly assumed the risk of the hazard complained of; (2) That the injury or death was caused in whole or in part by the want of ordinary or reasonable care of a fellow-servant. No contract, rule or regulation shall exempt the employer from any of the provisions of the preceding section of this act.

Compensation to be paid.

Negligence to be measured.

Defenses abrogated.

Sec. 2. "Employer" includes any body of persons corporate or incorporate and the legal personal representative of a deceased employer. "Workman" includes every person who is engaged in an employment to which this act applies, whether by way of manual labor or otherwise, and where his agreement is one of service or apprenticeship or otherwise, and is expressed or implied, is oral or in writing. Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative or to his dependents or other person to whom compensation is payable. "Dependents" means wife, father, mother, husband, sister, brother, child or grandchild: *Provided*, That they were wholly or partly dependent upon the earnings of the workman at the time of his death.

Definitions.

Sec. 3. This act shall apply to workmen engaged in manual or mechanical labor in the following employments within this State, each of which is hereby determined to be especially dangerous, in which from the nature, condition or means of prosecution of the work therein, extraordinary risks to the life and limb of workmen engaged therein are inherent, necessarily or substantially unavoidable, and to each of which employments it is deemed necessary to establish a new system of compensation for accidents to workmen.

Scope of law.

Dangerous employments.

(a) The erection or demolition of any bridge or building in which there is, or in which the plans or specifications require iron or steel framework;

(b) The operation of elevators, elevating machines or derricks or hoisting apparatus used within or on the outside of any bridge or building for the conveying of material in connection with the erection or demolition of such bridge or building;

(c) Work on scaffolds of any kind elevated twenty feet or more above the ground, water or floor beneath, in the erection,

construction, painting, alteration or repair of buildings, bridges or structures;

(d) Construction, operation, alteration, or repair of wires, cables, switchboards or apparatus charged with electric currents;

(e) The operation on railroads of locomotives, engines, trains, motors or cars propelled by gravity, steam, electricity or other mechanical power, or the construction or repairs of railroad tracks and roadbeds over which such locomotives, engines, trains, motors, or cars are operated;

(f) Construction, operation, alteration, or repairs of locomotives, engines, trains, motors or cars in or about the shops, round-houses, or other places, where the same is done;

(g) Construction, operation, alteration or repairs to mills, smelters or mines, including every shaft or pit in the course of being sunk, and every crosscut, drift, station, winze, level or inclined planes through which workmen pass to and from work, and all works, machinery, tramways, ladders or passages, both below ground and above ground, in and adjacent to any mine;

(h) All work necessitating dangerous proximity to gunpowder, blasting powder, dynamite or any other explosives, where the same are used as instrumentalities of the industry;

(i) The construction of tunnels.

The employers to whom this act shall apply shall be any person or persons, association, partnership or corporation carrying on any such industry as aforesaid.

Notice of ac-  
cidents.

SEC. 4. Notice of accidents must be given to the employer as soon as practicable after the happening thereof, and the claim for compensation with respect to such accident within six months from the occurrence of such accident causing the injury, or in case of death, within six months from the time of death: *Provided, always,* That the want of, or any defect or inaccuracy in, such notice shall not be a bar to the maintenance of such proceedings if it is found in the proceedings for settling the claim that the employer is not prejudiced in his defense by the want, defect or inaccuracy, and that such want, defect or inaccuracy was occasioned by mistake or other reasonable cause. Notice in respect of an injury under this act shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury, if known, the date at which it was sustained, and shall be served on the employer, or, if there is more than one employer, upon one of such employers. The notice may be served by delivering the same to or at the residence or place of business of the person upon whom it is to be served, or the notice may also be served by post, by a registered letter addressed to the person on whom it is to be served at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time when the letter containing the same would have been delivered in the ordinary course of post, and in proving the service of such notice it shall be sufficient to prove that the notice was properly addressed and registered. Where the employer is a body of persons, natural or artificial, the notice may also be served by delivering the same at, or by sending it by post in a registered letter addressed to the employer at the office, or, if there be more than one office, any one of the offices of such body.

Compensa-  
tion for death.

SEC. 5. The amount of compensation in case death results from injury, or for death accruing within five years as a result of injury, shall be:

(a) If the workman leave any person or persons who at the time of the accident were wholly dependent upon his earnings, a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of two thousand dollars, whichever of these sums is the greater, but not exceeding in any case three thousand dollars: *Provided,* That the total sum of any weekly payments made under this act shall be deducted from such sum; and if the period of the workman's employment by the same employer has been

less than the said three years, then the amount of his earnings during the said three years shall be deemed to be nine hundred and thirty-six times his average daily earnings during the period of his actual employment under the same employer;

(b) If the workman leave only person or persons who at the time of the accident were partly dependent upon his earnings, a sum equal to 50 per cent of the amount payable under the foregoing provisions of this section:

(c) If the workman leave no person at the time of the accident who was dependent upon his earnings, the reasonable expenses of his medical attendance and burial, not exceeding in all three hundred dollars.

Whatever sum is payable under this section in case of death of the injured workman shall be paid to his legal representatives for the benefit of such dependents, and if he leaves no such dependents, then to the public administrator, for the benefit of the person or persons to whom the expenses of medical attendance and burial are due.

Sec. 6. The amount of compensation in case of total or partial disability resulting from injury shall be: Compensation for disability.

(a) A weekly payment during the disability, beginning within ten days after the injury, 60 per cent of his average weekly earnings in such employment during the previous twelve months if he has been so long employed, but if not, then for any less period during which he has been in the employment of the same employer, so long as there is complete disability; and that proportion of the said percentage which the depleted earning capacity for that service bears to the total disability when the injury is only partial, but in no event shall the total of all payments under this act exceed the sum of three thousand dollars;

(b) In addition to the foregoing payments, if the injured person lose both feet or both hands, or one foot and one hand, or both eyes or one eye and one foot or one hand, he shall receive, during a full period of five years, 40 per cent of his average weekly earnings, or if he lose one foot, one hand or one eye, the additional compensation therefor shall be 15 per cent of his average weekly earnings, the amount of such earnings to be computed in the same manner as the foregoing 60 per cent: *Provided*, That in no case shall all the payments received herein exceed in any month the whole wages earned when the injury occurs, nor shall the added percentages continue longer than to make all payments aggregate three thousand dollars. Specific injuries.

Sec. 7. Any workman entitled to receive weekly payments under this act is required, if requested by the employer, to submit himself for examination by a duly qualified medical practitioner or surgeon provided and paid for by the employer, at a time and place reasonably convenient for the workman, within three weeks after the injury, and thereafter at intervals not oftener than once in six weeks. A copy of the report of the examining physician shall be furnished to the workman. If a dispute then exists as to the workman's condition or amount of weekly compensation such dispute shall be determined by arbitration under this act, or by judicial procedure as hereinafter provided: *Provided, also*, That any and all disputes arising under this act may first be submitted to a board of arbitration, and in case of failure to settle it, resort may be had to courts of justice. Medical examinations.

Sec. 8. Arbitration proceedings shall be as follows: The employer and the workman may each choose one arbitrator, the two arbitrators thus chosen shall choose a third, and the three arbitrators shall hear the facts of the dispute within three months after having been chosen, and within two weeks thereafter, render a decision, which, if unanimous, shall be final and binding on both parties. Disputes.

Sec. 9. On failure of the board of arbitration to reach an adjustment of the dispute above referred to, either party may apply to a court of competent jurisdiction, and have an adjudication as in any other controversy. And the findings and judgment of the Arbitration.

Appeals.

court shall be conclusive on all parties concerned. Said courts may compel the attendance of witnesses and the production of evidence, as in all other cases provided for by law, and the judgment of said court may continue and diminish or increase the weekly payments, subject to the maximum provided in this act. The prevailing party in any action, brought under the provisions of this act, shall be entitled to his costs of suit and reasonable attorney's fees: *Provided*, That nothing in this act shall operate to defeat the constitutional right of appeal.

Employees of  
contractors.

SEC. 10. If any employer who shall be the principal, enters into a contract with an independent contractor to do part of such employer's work, or if such contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contractor's contract with the employer, the said principal shall be liable to pay to any workman employed in the execution of the work, any compensation under this act, which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from the principal, then reference to the principal shall be substituted for reference to the employer, except the amount of compensation shall be calculated with reference to the earnings of the workman under the contractor or employer by whom he is immediately employed. Where such principal is liable to pay compensation he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section. Nothing in this section shall be construed as preventing a workman from recovering compensation under this act, from the contractor or subcontractor, instead of the principal; nor shall this section apply in any case where the accident shall occur elsewhere than on or in or about the premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

Alternative  
remedies.

SEC. 11. Nothing in this act contained shall be held or deemed to require any workman or his personal representatives to proceed under its terms and provisions for the recovery of compensation of damages for death or accidental injury. But if the workman or his personal representatives shall so elect, he or they may disregard the provisions of this act and may pursue any other remedy at law for the recovery of such compensation of damages for or on account of such death or injury. The right of election or choice of remedies shall be exercised solely by such workman or his representatives.

Claims pre-  
ferred.

SEC. 12. A claim for compensation for the injury or death of any employee or any reward or judgment entered thereon shall be entitled to a preference over the other debts of the employer if and to the same extent as the wages of such employee shall be so preferred, but this section shall not impair the lien of any judgment entered upon any award.

Employer's  
rights.

SEC. 13. The making of a lawful claim against an employer for compensation under this act for the injury or death of his employee shall operate as an assignment of any assignable cause of action in tort which the employee or his personal representative may have against any other party for such injury or death, and such employer may enforce in his own name the liability of such other party.

Compromises.

SEC. 14. Nothing in this act contained shall be construed as impairing the right of parties interested after the injury or death of an employee to compromise or settle upon such terms as they may agree upon any liability which may be claimed to exist under this act on account of such injury or death, nor as conferring upon the dependents of any injured employee any interest which he may not divert by such settlement or for which he or his estate shall in the event of such settlement by him be accountable to such dependents or any of them.

SEC. 15. This act shall take effect July 1, 1911.

Approved March 24, 1911.

CHAPTER 188.—*Hours of labor at mines—Surface employees.*

SECTION 1. The number of hours of work or labor of mechanics, engineers, blacksmiths, carpenters, top men, and all working men employed or working on or about the surface or surface workings of any underground mine workings, shall not exceed eight (8) hours in any period of twenty-four (24) hours, except in cases of emergency where life or property is in imminent danger.

Eight-hour day.

SEC. 2. Any person who violates any of the provisions of this act, or any person, corporation, employer or agent who hires, contracts with, or in any manner causes or induces any person to work or labor on or about the surface or surface workings of any underground mine workings for more than eight (8) hours in any period of twenty-four (24) hours, except in cases of emergency where life or property is in imminent danger, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, or by imprisonment in the county jail for not longer than six months, or by both such fine and imprisonment.

Violations.

Approved March 24, 1911.

CHAPTER 197.—*Employment of children in street trades.*

SECTION 1. Section one of said act [chapter 158, Acts of 1909] is hereby amended to read as follows:

Section 1. This act shall be known as the "Juvenile Court Law" and shall apply only to children under the age of eighteen years not now or hereafter inmates of a State institution, except as otherwise herein provided.

Scope of act.

For the purpose of this act the words "dependent child" and "neglected child" shall mean any child \* \* \* who, while under the age of ten years, is found begging, peddling or selling any article or articles, or singing or playing any musical instrument for gain, or giving any public entertainments upon the street, or accompanies or is used in the aid of any person so doing. \* \* \*.

Definitions.

Approved March 27, 1911.

CHAPTER 201.—*Inspector of mines—Regulations.*

[This chapter amends chapter 176, Acts of 1909, by striking out from section 5 the provision that neglect of the person in charge of a mine to comply with the inspector's orders shall be a misdemeanor, each day's continuance constituting a separate offense.]

New sections are added, as follows:}]

SECTION 14. No blasting powder or any high explosive containing nitroglycerine shall be stored in any mine: *Provided*, That nothing in this section shall be construed to prevent the operator of any mine from keeping sufficient blasting powder or other high explosive within such mine to meet the estimated requirements of such mine during the succeeding twenty-four hours: *And provided further*, That such temporary supply shall not be kept in any place within such mine, where its accidental discharge will cut off the escape of miners working therein. All blasting powder, or other high explosive, in excess of the temporary supply required in such mine shall be stored in a magazine not less than three hundred feet distant from any shaft, adit, habitation, public highway or public railway.

Storage of explosives.

SEC. 15. Companies shall at all times furnish the miners with wooden tamping bars to be used in loading or charging holes, and any one using a steel or metal tamping bar shall be guilty of a misdemeanor, and upon conviction in a competent court shall be fined not less than five dollars nor more than fifty dollars for each and every offense.

Tamping bars.

SEC. 16. All timber removed shall, as soon as practicable, be taken from the mine and shall not be piled up and permitted to decay underground.

Timber to be removed.

- Indicators.** SEC. 17. All hoisting machinery using steam, electricity, gasoline or hydraulic motive power, for the purpose of hoisting or lowering into metalliferous mines, employees and material, shall be equipped with an indicator to be placed in plain view of engineer.
- Riding on cages, etc.** SEC. 18. All persons shall be prohibited from riding upon the cage, skip or bucket loaded with tools, timber, powder or other material, except for the purpose of assisting in passing same through shaft or incline, and then only on special signal.
- Ladders.** SEC. 19. All shafts shall be equipped with ladders, and shafts more than 200 feet in depth inclined more than 45 degrees from the horizontal equipped with hoisting machinery shall be divided into at least two compartments; one compartment to be partitioned off and set aside for a ladderway. The ladders shall be sufficiently strong for the purpose demanded and landings shall be constructed not more than thirty feet apart; said landing to be closely covered except an opening large enough to permit the passage of a man. A landing shall be constructed in manway at all working levels.
- Ladders in upraises and winzes shall be provided and kept in repair, but where winzes or raises connecting levels are used only for ventilation and exit, only one such on each level need be equipped.
- Exits.** SEC. 20. In every mine within this State, if more than 200 feet in depth, where a single shaft affords the only means of egress to persons employed underground and the ladderway compartment is covered by a nonfireproof building, it shall be the duty of the operator of said mine to cause said ladderway to be securely bulkheaded or a trap door placed over same at a point at least twenty-five feet below the collar of the shaft, and if a trap door is used it must be kept closed or so arranged that it can be closed from a point outside of the building by the releasing of a rope, and below this bulkhead or trap door, if the shaft is situated upon a side hill, a drift shall be driven to the surface, and if the shaft containing said ladderway may be otherwise situated, this drift shall be driven on a level to a safe distance, but in no case less than thirty feet beyond the walls of the building covering the main shaft and from such a point a raise shall be made to the surface. The said raise shall be equipped with a ladderway and it, together with the drift connecting with the main shaft, shall be kept in good repair and shall afford an easy exit in the event of fire.
- Signboards.** SEC. 21. Whenever the exit or outlet from a mine is not in a direct or continuous course signboards plainly marked showing the direction to be taken must be placed at each departure from the continuous course.
- Gasoline.** SEC. 22. Use of gasoline underground is forbidden.
- Sinking shafts.** SEC. 23. Employees engaged in sinking shaft or incline shall at all times be provided with chain or other kind of ladder so arranged as to insure safe means of exit.
- Guard rails.** SEC. 24. At all shaft stations a guard rail or rails shall be provided and kept in place across the shaft, in front of the level, so arranged that it will prevent persons from walking, falling or pushing a car or other conveyance into the shaft. All winzes and all mill holes shall be covered or surrounded with guard rails to prevent persons from stepping or falling into the same.
- Cages.** SEC. 25. The cage or cages in all shafts over 350 feet in depth shall be provided with sheet-iron or steel casing, not less than  $\frac{1}{2}$  inch thick, or with a netting composed of wire not less than  $\frac{1}{4}$  inch in diameter and with doors made of the same material as the side casing, either hung on hinges or working in slides. These doors shall extend at least four feet above the bottom of the cage and must be closed when lowering or hoisting men, except timbermen riding on the cage to attend to timbers that are being lowered or hoisted: *Provided*, That when such cage is used for sinking only, it need not be equipped with such doors as are hereinbefore provided for. Every cage must have overhead bars of such arrangement as to give every man on the cage an easy and secure handhold.

SEC. 26. A pillar of ground shall be left standing on each side of the shaft of sufficient dimensions to protect and secure the same, and in no case shall stoping be permitted up to or within such close proximity to the shaft as to render the same insecure, until such time as the shaft is to be abandoned and the pillar withdrawn. Pillars at shafts.

SEC. 27. It shall be unlawful for the operator of any mine within this State to erect any structure over the shaft of any mine, except head frames necessary for hoisting from such shaft or outlet, and the hatch or door necessary for closing such shaft or outlet: *Provided, however,* It shall be lawful to erect a housing of noninflammable and fireproof material over such shaft or adit to protect the men working at such point. In the case of existing houses covering the mouths of shafts or adits, it shall be the duty of the superintendent of the mine to cause the immediate removal of all inflammable material stored therein and it shall be the further duty of such superintendent to prohibit the storage of any inflammable material thirty feet from the exterior walls of any housing hereinafter built. Surface structures.

SEC. 28. It shall be the duty of every operator to provide every tunnel or adit level, the mouth of which is covered by a house or building of any kind, with a door near the mouth of the same, that can be closed from the outside of the building by a pull wire or cable in the event of fire; inside of door a raise shall be run to connect with surface, thus affording a means of exit in case of fire. Doors in tunnels, etc.

SEC. 29. It shall be unlawful to use in any mine, any rope or cable for hoisting or lowering either men or material when such hoisting or lowering is done by any means other than human or animal power, unless such rope or cable shall be composed of iron or steel wires, with a factor of safety determined as hereinafter set forth: *Provided,* That such iron or steel wires may be laid around a hemp center. Ropes and cables.

The factor of safety of all ropes or cables shall in no case be less than five, and shall be calculated by dividing the breaking strength of the rope as given in the manufacturer's published tables, by the sum of the maximum load to be hoisted, plus the total weight of the rope in the shaft when fully let out, plus 10 per cent of such values, to take account of shock at starting and stopping.

SEC. 30. It shall be unlawful to use any rope or cable for the raising or lowering of men, either when the number of breaks in any running foot of said rope exceeds 10 per cent of the total number of wires composing the rope, or when the wires on the crown of the strands are worn down to less than one-half their original diameter, or when it shows marked signs of corrosion. Same.

SEC. 31. All boilers used for generating steam in and about mines shall be kept in good order and the owner, operator or superintendent shall have them examined and inspected by a qualified person as often as once in six months, and oftener if the inspector or his deputy shall deem it necessary. The result of such examination shall be certified in writing to the inspector within thirty (30) days thereafter. Boilers.

SEC. 33. No hoisting shall be done in any compartment of a shaft while repairs are being made in that compartment except such hoisting as is necessary in order to make such repairs. Repairing shafts.

SEC. 34. Wages shall not be paid on any premises used for the sale of intoxicating liquors. Place of payment of wages

SEC. 35. The operator of every mine, whether operated by shaft, stope or drift, shall provide and maintain for every such mine a good and sufficient amount of ventilation for such men and animals as may be employed therein and shall cause an adequate amount of pure air to circulate through and into all shafts, winzes, levels and all working places of such mine. Ventilation.

SEC. 36. No man [shall] be allowed to work in a stope at such a distance from another that his cries, in case of need, cannot be heard. Working alone.

**Engineer to be on duty.** Sec. 37. At all times when men are in a mine, worked through a shaft, equipped with hoisting machinery, an engineer shall be kept on duty to answer signals.

**Riding on bale or cable.** Sec. 38. It shall be unlawful for any person to ride upon the bail or cable of a hoisting bucket, cage or skip.

**Number of men that may be hoisted.** Sec. 39. Notice of the maximum number of men permitted to ride upon or in the cage, skip or bucket, at one time, shall be posted at the collar of the shaft and each level. All men or employees riding upon or in an overloaded cage, skip or bucket as provided in notice so posted, shall be guilty of a misdemeanor, and upon conviction in a competent court, shall be fined not less than five dollars nor more than fifty dollars for each and every offense.

**Signals.** Sec. 40. At all mines where hoisting apparatus is used in the State of Nevada, the following code of bell signals shall hereafter be adopted and used :

1 Bell—Hoist; 1 Bell—Stop (if in motion).

2 Bells—Lower.

3 Bells—Men on, run slow.

When men are to be hoisted or lowered, give the signal for "men on, run slow" (3 bells). Men must then get on cage or bucket, then give the signal to hoist or lower (1 or 2 bells).

4 Bells—Blasting signal; engineer must answer by raising bucket a few feet and letting it back slowly; then 1 bell—hoist men away from blast.

9 Bells—Danger signal (in case of fire or other danger) then ring number of station where danger exists; engineer must slow up when passing stations when men are on the cage.

#### STATION BELLS.

2 Bells, Pause, 1 Bell, Station No. 1.

2 Bells, Pause, 2 Bells, Station No. 2.

2 Bells, Pause, 3 Bells, Station No. 3.

2 Bells, Pause, 4 Bells, Station No. 4.

2 Bells, Pause, 5 Bells, Station No. 5.

3 Bells, Pause, 2 Bells, Station No. 6.

3 Bells, Pause, 3 Bells, Station No. 7.

3 Bells, Pause, 4 Bells, Station No. 8.

3 Bells, Pause, 5 Bells, Station No. 9.

4 Bells, Pause, 1 Bell, Station No. 10.

4 Bells, Pause, 2 Bells, Station No. 11.

4 Bells, Pause, 3 Bells, Station No. 12.

4 Bells, Pause, 4 Bells, Station No. 13.

4 Bells, Pause, 5 Bells, Station No. 14.

5 Bells, Pause, 1 Bell, Station No. 15.

Where electric bells are used in connection with other bells:

If cage is wanted, ring station signal. Station tender will answer 1 Bell.

Reply 1 Bell to go up.

Reply 2 Bells to go below.

If station is full of ore and station tender is wanted, ring station signal and do not answer back.

2—1—2 Bells are rung, engineer or station tender does not understand, repeat signal.

In case of danger or accident, ring station signal, station tender will reply 1 Bell; ring 9 Bells.

Signals not in conflict with the above code may be used to meet local conditions, but the same must be posted in connection with the above code.

One copy of this code should be posted on the gallows frame, one before the engineer and one at each station.

**Smoke helmets.** Sec. 41. At every mine in this State employing forty or more men underground, there shall be kept on hand at all times in good working condition at least two smoke helmets of a design to be approved by the State mining inspector, and which helmets shall at all times be subject to his inspection. For every additional

fifty men so employed an additional smoke helmet shall be provided.

SEC. 42. Any owner, agent, manager or lessee, whether individual partnership or corporation operating a mine in this State who fails to comply with the provisions herein set forth, or either or any thereof, shall be deemed guilty of a misdemeanor and when not otherwise provided shall be liable to a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, or by imprisonment in the county jail for a period of not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment. For each provision not complied with and each day after conviction of failure to comply with any provision thereof shall be deemed a separate offense and punished accordingly.

Violations.

Approved March 27, 1911.

CHAPTER 204.—*Railroads—Train crews.*

[This chapter amends and supersedes an earlier act of the same legislature (chap. 18). The present law is as follows]:

SECTION 1. It shall be unlawful for any railroad company or receiver of any railroad company, doing business in the State of Nevada, to run over its road or a part of its road outside the yard limits, any passenger train consisting of two cars or less, exclusive of engine and tenders, with less than a crew consisting of four persons, one engineer, one fireman, one conductor and one brakeman, who will act in the capacity of flagman.

Passenger trains.

SEC. 2. It shall be unlawful for any railroad company, or receiver of any railroad company, doing business in the State of Nevada, to run over its road or part of its road outside of the yard limits, any passenger train consisting of three cars or more, exclusive of engine and tenders, with less than a crew consisting of five persons, one engineer, one fireman, one conductor, one brakeman, and one flagman.

Same.

SEC. 3. Any railroad company or receiver of any railroad company doing business in the State of Nevada, which shall violate any of the provisions of this act shall be liable to the State of Nevada for a penalty of not less than one hundred dollars (\$100) or more than one thousand dollars (\$1000) for each offense; and such penalty shall be recovered and suit brought in the name of the State of Nevada in a court of proper jurisdiction in any county in or through which such line of railroad may run, by the attorney-general, or under his direction, or by the district attorney in any county through which such lines of railroad may be operated.

Violations.

SEC. 4. The provisions of this act shall not apply to or include any railroad company, or receiver or manager thereof, or any line of railroad in this State less than ninety-five miles in length.

Exemptions.

SEC. 5. This act shall not be deemed to be in conflict with, or to repeal, but supplementary to "An act to promote the public safety by requiring common carrier railroads to provide adequate train crews and defining such crews." [Chap. 74, Acts of 1909.]

Construction.

Approved March 28, 1911.

NEW HAMPSHIRE.

ACTS OF 1911.

CHAPTER 30.—*Factory regulations—Provisions for accidents.*

SECTION 1. Every person, firm or corporation operating a factory or shop in which power machinery is used for any manufacturing purpose and in which three or more persons are employed, or for any purpose except for elevators, or for heating or hoisting apparatus, shall at all times keep and maintain, free of expense to the employees, such a medical and surgical chest as shall be required by the local board of health of any city or town where such machinery is used, containing plasters, bandages, ab-

Medical, etc., supplies.

sorbent cotton, gauze, and all other necessary medicines, instruments and other appliances for the treatment of persons injured or taken ill upon the premises.

Violations. SEC. 2. Any person, firm or corporation violating this act shall be subject to a fine of not less than five dollars nor more than five hundred dollars for every week during which such violation continues.

Approved February 28, 1911.

CHAPTER 43.—*Factory regulations—Fire escapes.*

SECTION 1. Amend section 1 of chapter 164 of the Session Laws of 1909 \* \* \* so that said section as amended shall read:

Construction. SECTION 1. No building three or more stories in height, any part of which is used or occupied above the second story as a \* \* \* factory shall be let, leased or occupied for such purposes unless provided with a steel or wrought-iron balcony and stairway fire-escape built and attached to the outer wall in such manner and place as to render egress from said building easy and safe. If said building be of a length greater than one hundred and fifty feet it shall be provided with one additional such fire escape for every additional one hundred and fifty feet or fractional part thereof: *Provided*, That any other metal fire escape may be so attached if approved by the building inspector, chief of the fire department or board of selectmen. The provisions of this section shall not apply to any such building as is at the time of the passage of this amendment sufficiently equipped, with a steel or wrought-iron balcony and ladder fire escape until such time as said fire escape becomes insecure or is removed; nor shall the provisions of this section apply to any such factory building as shall be adequately equipped with an approved sprinkler system and stairways inclose with walls of fireproof material, or other means of exit duly approved in writing by said officers.

Approved March 9, 1911.

CHAPTER 58.—*Employment of labor—Foremen accepting fees from employees.*

Acceptance forbidden. SECTION 1. No agent, superintendent, foreman, or other employee of any corporation, firm, copartnership, or of any person, shall obtain money or property of any kind whatsoever, or obtain a promise to pay money or property of any kind whatsoever, from, for, or in behalf of any person for the purpose of procuring employment for such person in the service of said corporation, firm, copartnership, or person.

Workmen not to offer fees. SEC. 2. No person whomsoever shall offer, or promise to pay money or other property of any kind to any agent, superintendent, foreman, or employee of any corporation, firm, copartnership, or of any person whomsoever, for the purpose of securing employment, or promise of employment for any other person or persons, in the service of said corporation, firm, copartnership, or person.

Violations. SEC. 3. Any violation of any of the provisions of this act shall be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding one year, or both.

Construction of act. SEC. 4. The provisions of this act shall not be so construed as to affect or impair the right of any corporation, firm, copartnership or person to hire laborers, or accept apprentices in the ordinary and usual course of business, or in any way abridge the right to obtain and exercise licenses to run employment offices as provided by law.

Approved March 17, 1911.

CHAPTER 78.—*Payment of wages—Payments to be in cash.*

Cash payments required. SECTION 1. Weekly payment of wages by every manufacturing, mining, quarrying, stonecutting, mercantile, railroad, telegraph,

telephone, express, aqueduct, and municipal corporation as contemplated by section 21, chapter 180 of the Public Statutes, as the same was amended by chapter 134 of the Session Laws of 1909, 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. 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. Checks permitted.

Approved March 28, 1911.

#### CHAPTER 162.—*Employment of children—General provisions.*

SECTION 1. No child under the age of twelve shall be employed, or permitted or suffered to work, in, about, or in connection with, any mill, factory, workshop, quarry, mercantile establishment, tenement house, manufactory or workshop, store, business office, telegraph or telephone office, restaurant, bakery, hotel, barber-shop, apartment house, bootblack stand or parlor, or in the distribution or transmission of merchandise or messages; nor shall any child under the age of fourteen be employed, or permitted or suffered to work, in any of the aforesaid while the public schools are in session in the district in which he resides. Age limit.

Sec. 2. No child under the age of sixteen shall be employed, or permitted or suffered to work, in any establishment named in section 1 during the time in which the public schools are in session in the district in which he resides, unless he can read understandingly and write legibly simple sentences in the English language: *Provided, however,* That if any child shall have reached the age of fourteen and shall have attended an English-taught school regularly for not less than three years and shall then be deemed by the superintendent of schools, or other person authorized to grant employment certificates, to be mentally incapable of learning to read and write legibly the English language in the regular schools, the case may be referred to the state superintendent of public instruction, who, after investigation either by himself or by his agent, may issue a permit authorizing the employment of such child even though such child may be unable to read understandingly and write legibly simple sentences in the English language. Work during school time.

Sec. 3. Whenever requested by the superintendent of public instruction, the State board of health shall cause to be made an inspection of any factory or other place in which children under the age of sixteen are employed, and may require the discharge of any child or children found employed therein who by reason of physical condition, of unsanitary conditions of employment, or of development below the normal development of children of that age, cannot in their judgment continue to be employed without undue risk to health. Inspection.

Sec. 4. No boy under ten and no girl under sixteen years of age shall sell or expose or offer for sale newspapers, magazines, periodicals or other merchandise in any street or public place. No child shall work as a bootblack in any street or public place unless he is over ten years of age. Street trades.

Sec. 5. No person under the age of eighteen years shall be employed or permitted to work as a messenger for a telegraph, telephone, or messenger company in the distribution, transmission, or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day. Night work of messengers, etc.

Sec. 6. No boy under the age of sixteen years, and no girl under the age of eighteen years, shall be employed, or permitted or suffered to work, at any gainful occupation, other than domestic service or work on a farm, more than fifty-eight hours in any one week, nor more than eleven hours in any one day; nor before the hour of half-past six o'clock in the morning, nor after the hour of seven o'clock in the evening,—except that minors sixteen Hours of labor. Night work.

- years of age or over may work in retail stores and telephone exchanges until ten o'clock in the evening.
- Certificates.** SEC. 7. No child under sixteen years of age shall be employed, or permitted or suffered to work, in, about, or in connection with, any place or establishment named in section 1, unless the person, firm, or corporation employing such child, procures and keeps on file, and accessible to any truant officer, or other authorized inspector, an employment certificate as hereinafter prescribed.
- Surrender of certificates.** SEC. 8. On the termination of the employment of a child whose employment certificate is on file, such certificate shall be kept by the employer and surrendered to any authorized inspector on demand.
- Who to issue.** SEC. 9. An employment certificate shall be issued only by the superintendent of schools, or where there is no superintendent, by a person authorized by the school board: *Provided, however,* That no person authorized as aforesaid shall have authority to issue such certificate for any child then in or about to enter such person's own employment or the employment of a firm or corporation of which he is a member, officer, or employee: in the city of Manchester the provisions of chapter 205 of the Session Laws of 1905 shall remain in force, but the person appointed under such provisions shall be subject to the terms of this act.
- Proof of age, etc.** SEC. 10. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed: (1) The school record of such child properly filled out and signed, as provided in this act. (2) A passport or duly attested transcript of the certificate of birth or baptism or public record, showing the date and place of birth of such child. (3) A certificate from a medical officer of the local board of health, or from a physician designated by the school board, certifying that the child has reached the normal development of a child of his age, and that he is in sufficiently sound health and physically able to perform the work which he intends to do.
- Personal appearance.** SEC. 11. No employment certificate shall be issued until the child in question has personally appeared before and been examined by the person issuing the certificate.
- Contents of certificate.** SEC. 12. Every such employment certificate shall state the name, sex, and date and place of birth, of the child, shall describe the color of hair and eyes, the height and weight and any distinguishing facial marks of such child; that all papers required by the preceding sections have been duly examined, approved and filed; that the child named in the certificate has appeared before the person signing the same and been examined; and that such child has been found to be able to read understandingly and write legibly simple sentences in the English language. Every such certificate shall be signed, in the presence of the person issuing the same, by the child in whose name it is issued, and shall show the date of its issue.
- School record.** SEC. 13. The school record required by this act shall be signed by the principal or chief executive officer of the school which the child has attended, and shall be furnished on demand to a child entitled thereto. Such record shall certify that the child has regularly attended the public schools, or private schools lawfully approved as such, for not less than three hundred half-days, as shown by the school register, during the year previous to his arriving at the age of fourteen, or during the year previous to applying for such school record, and that he is able to read understandingly and write legibly simple sentences in the English language. Such school record shall also give the date of birth and residence of the child as shown on the records of the school and the name of his parent, guardian or custodian.
- Record to be kept.** SEC. 14. The superintendent of schools or other person authorized to issue employment certificates shall keep a record of the same in a book. Such record shall contain a list of the names of all children to whom certificates are granted, numbered consecutively, together with the date of issue and the signature of the

officer issuing the certificate, and such books shall be carefully preserved.

SEC. 15. All blank forms for records used in the enforcement and administration of this act shall be uniform throughout the state, shall be prescribed by the superintendent of public instruction, and shall be furnished by the State, and methods of keeping the same shall be approved by him as being within the contemplation of this act.

Forms.

SEC. 16. The truant officer of each school district shall visit, inspect, and cause to be enforced the provisions of this act in his district, and for this purpose shall have power to serve warrants.

Enforcement.

SEC. 17. The superintendent of public instruction shall appoint not exceeding three State inspectors, who shall be paid their necessary expenses and such compensation as the governor and council shall determine, not exceeding \$1,200 per annum each, and who shall devote their whole time to their work. The State inspectors, under the direction of the superintendent of public instruction, shall inspect all factories and other places of employment within the contemplation of this act and all records and methods of enforcement. They shall have the same power as to enforcement and the serving of warrants as the several truant officers. The superintendent of public instruction, with the approval of the attorney general, may employ counsel, and provide legal assistance wherever the same may, in his opinion, be necessary for the enforcement of the provisions of this act, and the cost thereof shall be a charge upon the appropriation hereinafter provided.

Inspectors.

SEC. 19. An inspector or truant officer shall make demand upon any employer in or about whose place or establishment a child apparently under the age of sixteen years is employed, or permitted or suffered to work, and whose employment certificate is not filed as required by this act, that such employer shall either furnish him within ten days satisfactory evidence that such child is in fact over sixteen years of age, or shall cease to employ, or permit, or suffer such child to work, in such place or establishment. The inspector shall require from such employer the same evidence of age of such child as is required in the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child.

Certificate may be demanded.

SEC. 20. Whoever employs any child, and whoever, having under his control as parent, guardian or otherwise, any child, permits or suffers such child to be employed or to work in violation of any of the provisions of this act, shall be fined not less than five nor more than two hundred dollars, or be imprisoned for not less than ten nor more than thirty days, or both, in the discretion of the court.

Violations.

SEC. 21. Whoever continues to employ any child in violation of any of the provisions of this act, after being notified thereof by an inspector, or truant officer, shall for every day thereafter that such employment continues, be fined not less than five nor more than twenty dollars.

Continued violations.

SEC. 22. Any person authorized to sign any certificate or paper called for by this act, who certifies to any materially false statement therein, shall be fined not less than five nor more than two hundred dollars, or be imprisoned for not less than five nor more than thirty days, or both, in the discretion of the court.

False statements.

SEC. 23. Refusal by an employer to produce any employment certificate required by this act shall be prima facie evidence of the illegal employment of any child whose employment certificate is not produced.

Refusal to produce certificate.

SEC. 24. Any superintendent of schools or other person issuing employment certificates, who fails to comply with the provisions of this act shall be fined not less than five nor more than twenty-five dollars.

Violations by school officers.

Approved April 15, 1911.

CHAPTER 163.—*Compensation of workmen for injuries.*

- Scope of law.** SECTION 1. This act shall apply only to workmen engaged in manual or mechanical labor in the employments described in this section, which, from the nature, conditions or means of prosecution of such work, are dangerous to the life and limb of workmen engaged therein, because in them the risks of employment and the danger of injury caused by fellow servants are great and difficult to avoid. (a) The operation on steam or electric railroads of locomotives, engines, trains or cars, or the construction, alteration, maintenance or repair of steam railroad tracks or road beds over which such locomotives, engines, trains or cars are or are to be operated. (b) Work in any shop, mill, factory or other place on, in connection with or in proximity to any hoisting apparatus, or any machinery propelled or operated by steam or other mechanical power in which shop, mill, factory or other place five or more persons are engaged in manual or mechanical labor. (c) The construction, operation, alteration or repair of wires or lines of wires, cables, switchboards or apparatus, charged with electric currents. (d) All work necessitating dangerous proximity to gunpowder, blasting powder, dynamite or any other explosives, where the same are used as instrumentalities of the industry, or to any steam boiler owned or operated by the employer: *Provided*, Injury is occasioned by the explosion of any such boiler or explosive. (e) Work in or about any quarry, mine or foundry. As to each of said employments it is deemed necessary to establish a new system of compensation for accidents to workmen.
- Dangerous employments.**
- Employer liable for damages, when.** SEC. 2. If, in the course of any of the employments above described, personal injury by accident arising out of and in the course of the employment is caused to any workman employed therein, in whole or in part, by failure of the employer to comply with any statute, or with any order made under authority of law, or by the negligence of the employer or any of his or its officers, agents or employees, or by reason of any defect or insufficiency due to his, its or their negligence in the condition of his or its plant, ways, works, machinery, cars, engines, equipment, or appliances, then such employer shall be liable to such workmen for all damages occasioned to him, or, in case of his death, to his personal representatives for all damages now recoverable under the provisions of chapter 191 of the Public Statutes. The workman shall not be held to have assumed the risk of any injury due to any cause specified in this section; but there shall be no liability under this section for any injury to which it shall be made to appear by a preponderance of evidence that the negligence of the plaintiff contributed. The damages provided for by this section shall be recovered in an action on the case for negligence.
- Assumption of risks.**
- Election by employer.** SEC. 3. The provisions of section 2 of this act shall not apply to any employer who shall have filed with the commissioner of labor his declaration in writing that he accepts the provisions of this act as contained in the succeeding sections, and shall have satisfied the commissioner of labor of his financial ability to comply with its provisions, or shall have filed with the commissioner of labor a bond, in such form and amount as the commissioner may prescribe, conditioned on the discharge by such employer of all liability incurred under this act. Such bond shall be enforced by the commissioner of labor for the benefit of all persons to whom such employer may become liable under this act in the same manner as probate bonds are enforced. The commissioner may, from time to time, order the filing of new bonds, when in his judgment such bonds are necessary; and after thirty days from the communication of such order to any employer, such employer shall be subject to the provisions of section 2 of this act until such order has been complied with. The employer may at any time revoke his acceptance of the provisions of the succeeding sections of this act by filing with the commissioner of labor a declaration to that effect, and by posting copies of such declaration in conspicuous places about the place where his workmen are employed. Any person aggrieved by any decision of the
- Bonds.**

commissioner under this section may apply by petition to any justice of the superior court for a review of such decision and said justice on notice and hearing shall make such order affirming, reversing or modifying such decision as justice may require; and such order shall be final. Such employer shall be liable to all workmen engaged in any of the employments specified in section 1, for any injury arising out of and in the course of their employment, in the manner provided in the following sections of this act: *Provided*, That the employer shall not be liable in respect of any injury which does not disable the workman for a period of at least two weeks from earning full wages at the work at which he was employed: *And provided*, That the employer shall not be liable in respect of any injury to the workman which is caused in whole or in part by the intoxication, violation of law, or serious or willful misconduct of the workman: *Provided, further*, That the employer shall at the election of the workman, or his personal representative, be liable under the provisions of section 2 of this act for all injury caused in whole or in part by willful failure of the employer to comply with any statute, or with any order made under authority of law.

Minor injuries, etc.

Sec. 4. The right of action for damages caused by any such injury, at common law, or under any statute in force on January one, nineteen hundred and eleven, shall not be affected by this act, but in case the injured workman, or in event of his death his executor or administrator, shall avail himself of this act, either by accepting any compensation hereunder, by giving the notice hereinafter prescribed, or by beginning proceedings therefor in any manner on account of any such injury, he shall be barred from recovery in every action at common law or under any other statute on account of the same injury. In case after such injury the workman, or in the event of his death his executor or administrator, shall commence any action at common law or under any statute other than this act against the employer therefor, he shall be barred from all benefit of this act in regard thereto.

Right to sue.

Barred, how.

Sec. 5. No proceedings for compensation under this act shall be maintained unless notice of the accident as hereinafter provided has been given to the employer as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured and during such disability, and unless claim for compensation has been made within six months from the occurrence of the accident, or in case of the death of the workman, or in the event of his physical or mental incapacity, within six months after such death or the removal of such physical or mental incapacity, or in the event that weekly payments have been made under this article, within six months after such payments have ceased, but no want or defect or inaccuracy of a notice shall be a bar to the maintenance of proceedings unless the employer proves that he is prejudiced by such want, defect or inaccuracy. Notice of the accident shall apprise the employer of the claim for compensation under this article, and shall state the name and address of the workman injured, and the date and place of the accident. The notice may be served personally or by sending it by mail in a registered letter addressed to the employer at his last known residence or place of business.

Notice.

Sec. 6. (1) The amount of compensation shall be, in case death results from injury: (a) If the workman leaves any widow, children or parents, resident of this state, at the time of his death, then wholly dependent on his earnings, a sum to compensate them for loss, equal to one hundred and fifty times the average weekly earnings of such workman when at work on full time during the preceding year during which he shall have been in the employ of the same employer, or if he shall have been in the employment of the same employer for less than a year then one hundred and fifty times his average weekly earnings on full time for such less period. But in no event shall such sum exceed three thousand dollars. Any weekly payments made under this act

Compensation for death.

shall be deducted from the sum so fixed. (b) If such widow, children or parents at the time of his death are in part only dependent upon his earnings, such proportion of the benefits provided for those wholly dependent as the amount of the wage contributed by the deceased to such partial dependents at the time of injury bore to the total wage of the deceased. (c) If he leaves no such dependents, the reasonable expenses of his medical attendance and burial, not exceeding one hundred dollars. Whatever sum may be determined to be payable under this act in case of death of the injured workman shall be paid to his legal representative for the benefit of such dependents, or if he leaves no such dependents, for the benefit of the persons to whom the expenses of medical attendance and burial are due.

Compensation for incapacity.

(2) Where total or partial incapacity for work at any gainful employment results to the workman from the injury, a weekly payment commencing at the end of the second week after the injury and continuing during such incapacity, subject as herein provided, not exceeding fifty per centum of his average weekly earnings when at work on full time during the preceding year during which he shall have been in the employment of the same employer, or if he shall have been in the employment of the same employer for less than a year, then a weekly payment of not exceeding one half the average weekly earnings on full time for such less period. In fixing the amount of the weekly payment, regard shall be had to the difference between the amount of the average earnings of the workman before the accident and the average amount he is able to earn thereafter as wages in the same employment or otherwise. In fixing the amount of the weekly payment, regard shall be had to any payment, allowance or benefit which the workman may have received from the employer during the period of his incapacity, and in the case of partial incapacity the weekly payment shall in no case exceed the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in the same employment or otherwise after the accident, but shall amount to one half of such difference. In no event shall any compensation paid under this act exceed the damage suffered, nor shall any weekly payment payable under this act in any event exceed ten dollars a week or extend over more than three hundred weeks from the date of the accident. Such payment shall continue for such period of three hundred weeks: *Provided*, Total or partial disability continue during such period. No such payment shall be due or payable for any time prior to the giving of the notice required by section five of this act.

Medical examinations.

SEC. 7. Any workman entitled to receive weekly payments under this act is required, if requested by the employer, to submit himself for examination by a duly qualified medical practitioner or surgeon provided and paid for by the employer, at a time and place reasonably convenient for the workman, within two weeks after the injury, and thereafter at intervals not oftener than once in a week. If the workman refuses to submit to such examination, or obstructs the same, his right to weekly payments shall be suspended until such examination has taken place, and no compensation shall be payable during or for account of such period.

Incompetent persons.

SEC. 8. In case an injured workman shall be mentally incompetent at the time when any right or privilege accrues to him under this act, the guardian of the incompetent appointed pursuant to law may, on behalf of such incompetent, claim and exercise any such right or privilege with the same force and effect as if the workman himself had been competent and had claimed or exercised any such right or privilege, and no limitation of time in this act provided for shall run so long as said incompetent workman has no guardian.

Proceedings in equity.

SEC. 9. Any question as to compensation which may arise under this act shall be determined by agreement or by an action at equity as hereinafter provided. In case the employer fail to

make compensation as herein provided, the injured workman, or his guardian, if such be appointed, or his executor or administrator, may then bring an action to recover compensation under this act in any court having jurisdiction of an action for recovery of damages for negligence for the same injury between the same parties. Such action shall be by petition in equity, which may be made returnable at the appropriate term of the superior court or may be filed in the office of the clerk of the superior court and presented in term time or vacation to any justice of said court, who on reasonable notice shall hear the parties and render judgment thereon. The judgment in such action if in favor of the plaintiff shall be for a lump sum equal to the amount of payments then due and prospectively due under this act. In such action by an executor or administrator the judgment may provide the proportions of the award or the costs to be distributed to or between the several dependents. If such determination is not made it shall be determined by the probate court in which such executor or administrator is appointed, in accordance with this act, on petition of any party interested, on such notice as such court may direct. Any employer who has declared his intention to act under the compensation features of this act shall also have the right to apply by similar proceedings to the superior court or to any justice thereof for a determination of the amount of the weekly payments to be paid the injured workman, or of a lump sum to be paid the injured workman in lieu of such weekly payments; and either such employer or workman may apply to said superior court or to any justice thereof in similar proceeding for the determination of any other question that may arise under the compensation feature of this act; and said court or justice, after reasonable notice and hearing, may make such order as to the matter in dispute and taxable costs as justice may require.

SEC. 10. Any person entitled to weekly payments under this act against any employer shall have the same preferential claim therefor against the assets of the employer as is allowed by law for a claim by such person against such employer for unpaid wages or personal services. Weekly payments due under this act shall not be assignable or subject to levy, execution, attachment or satisfaction of debts. Any right to receive compensation under this act shall be extinguished by the death of the person entitled thereto. Payments preferred.

SEC. 11. No claim of any attorney-at-law for any contingent interest in any recovery under this act for services in securing such recovery or for disbursements shall be an enforceable lien on such recovery, unless the account of the same be approved in writing by a justice of the superior court, or, in case the same be tried in any court, by the justice presiding at such trial. Attorneys' claims.

SEC. 12. Every employer subject to the provisions of this act shall from time to time make to the commissioner of labor such returns as to its operation as said commissioner may require upon blanks to be furnished by said commissioner. Any employer failing to make such returns when required by said commissioner shall, until such returns are made, be subject to the provisions of section 2 of this act. Reports.

SEC. 13. This act shall take effect January first, nineteen hundred and twelve. Act in effect, when.

Approved April 15, 1911.

#### CHAPTER 164.—Public service commission—Accidents on railroads.

SEC. 15. The commission shall investigate the causes of all accidents happening upon the railroads of the State resulting in the loss of life and of all other accidents so happening which in the opinion of the commission ought to be investigated. Any such investigation may be made by the full commission or by a single commissioner as the commission may determine. If such investi- Investigations.

gation is made by a single commissioner, said commissioner for the purposes of the particular investigation shall have and exercise all the powers of the full commission.

Approved April 15, 1911.

CHAPTER 198.—*Bureau of Labor—Arbitration of labor disputes.*

Bureau of labor created.

SECTION 1. The office of commissioner of labor is hereby abolished and a bureau of labor is established in place thereof in accordance with the provisions of this act. Said bureau of labor shall consist of a labor commissioner who shall be appointed by the governor with the advice and consent of the council, within thirty days after the passage of this act, and such clerks and assistants as shall be necessary for the performance of the duties of the bureau. The labor commissioner shall hold his office for three years from the date of his appointment and until his successor shall be appointed and qualified, and he may be removed at any time by the governor with the advice and consent of the council, for cause, and his successor shall be appointed in the same manner for the same term. Any vacancy existing in the office of labor commissioner shall be filled for the unexpired portion of the term by appointment by the governor with the advice and consent of the council. Said commissioner shall appoint a clerk of the bureau and such other clerical assistants as may be necessary and fix their compensation subject to the approval of the governor and council. The records of said bureau shall be public records open to the inspection of any person interested. The salary of said labor commissioner shall be one thousand six hundred dollars (\$1,600) a year, payable quarterly by the state treasurer in full for his services, and his actual expenses incurred in the work of his office shall be paid by the state treasurer on duly detailed vouchers approved by the governor.

Duties and powers.

Sec. 2. Said labor commissioner shall exercise and perform all the powers and duties heretofore exercised and performed by the commissioner of labor, together with such other powers and duties as are authorized by this act. It shall be the duty of the commissioner, without notice, at such times as he shall deem it necessary, to visit the manufacturing, mechanical and mercantile establishments in the state, so far as practicable, for the purpose of ascertaining whether the laws with reference to the employment of help are complied with, and for the further purpose of ascertaining if reasonable sanitary and hygienic conditions are maintained calculated to promote the health and welfare of the working people. If he shall deem it necessary, he shall transmit to the legislature a report upon these matters when he shall deem the occasion of sufficient importance, with such recommendations as he shall think advisable. Whenever he shall deem it necessary, the commissioner shall prosecute any offences against the laws regulating the employment of help.

Mediation.

Sec. 3. Whenever any controversy or difference arises relating to the conditions of employment or rates of wages between any employer, whether individual, copartnership or corporation, and whether resident or nonresident, and his or their employees such controversy involving the interests of employees not less than ten persons in the same general line of business in this State, the labor commissioner shall, upon application as hereinafter provided, as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into all the conditions and circumstances of the situation, hear all persons interested therein who may come before him, advise the respective parties what, if anything, ought to be conceded by either or both, and adjust such controversy or difference and, within five days after such inquiry, make a written decision thereon, a copy of which shall be furnished the parties and a copy kept on file in the bureau of labor.

Application.

Sec. 4. Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly au-

thorized agent, or by both parties, and shall contain a concise statement of the grievance alleged and shall be verified by at least one of the signers. When an application is signed by an agent claiming to represent a majority of such employees, the commissioner shall, before proceeding further, satisfy himself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by the commissioner.

SEC. 5. Whenever in case of any such controversy or difference the employer and employees shall fail to agree to a settlement through the commissioner as provided in section three, then said commissioner shall endeavor to have said parties consent in writing to submit their differences to a board of arbitration to be chosen from citizens of the state as follows, to wit: Said employer shall appoint one, and said employees, acting through a majority, one, and these two shall select a third; these three to constitute the board of arbitration, and the findings of said board of arbitration shall be final, said findings shall be binding upon the parties concerned in said controversy or dispute for six months, or until sixty days after either party has given the other notice in writing of his or their intention not to be bound by the same. Such notice may be given to said employees by posting the same in three conspicuous places in the place of employment. Pending the decision of the board the business shall continue on the existing basis and the employees remain at work and said board shall render its decision within seven days after the completion of their hearing, and if said hearing is on question of wages said decision to revert back to date of beginning of said controversy. The proceedings of said board of arbitration shall be held before the commissioner of labor who shall act as chairman without the privilege of voting and who shall keep a record of the proceedings, issue subpoenas and administer oaths to the members of said board and to any witness said board may deem necessary to summon. Any notice or process issued by said board may be served by any sheriff or constable to whom the same may be directed or in whose hands the same may be placed for service. Such arbitrators shall receive eight dollars (\$8) per day for each day actually engaged in such arbitration and the necessary traveling expenses, to be paid upon vouchers signed by the labor commissioner with the approval of the governor out of the funds appropriated for the maintenance of the bureau of labor.

Arbitration.

SEC. 6. Upon the failure of the labor commissioner in any case to secure the creation of a board of arbitration, it shall become his duty to request a sworn statement from each party to the dispute of the facts upon which their dispute and their reasons for not submitting the same to arbitration are based. Any sworn statement made to the labor commissioner under this provision shall be for public use and shall be given publicity in such newspapers as desire to use it.

Refusal to arbitrate.

SEC. 7. Whenever it shall come to the knowledge of said labor commissioner, either by notice from a mayor of a city, the county commissioners, the president of a board of trade, or other representative body, the president of a central labor council or assembly, or of any five reputable citizens, or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any city or town of the state involving an employer and his or its present or past employees, if at the time such employer is employing, or up to the occurrence of the strike or lockout was employing, not less than ten persons in the same general line of business in any city or town in this state, and said commissioner shall be satisfied that such information is correct, it shall be the duty of such commissioner, within three days thereafter, to put himself in communication with such employer and employees and endeavor by mediation to effect an amicable settlement between them or to persuade them to submit the matter to a board of ar-

Notice by third parties of disputes.

bitration and conciliation to be appointed and to act as hereinbefore provided in case of disputes and controversies. In case the parties do not agree to so submit the matter, the said commissioner may investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible for the continuance of the same, and may make and publish a report assigning such responsibility.

Annual report. SEC. 8. The said commissioner shall annually make a report of the proceedings of the bureau of labor to the governor and council containing the transactions of the office and such other matters and recommendations as he shall deem proper.

Approved April 15, 1911.

## NEW JERSEY.

### ACTS OF 1911.

#### CHAPTER 42.—*Private employment agencies.*

Who to issue licenses. [This chapter amends section 2 of chapter 230, Acts of 1907, by substituting throughout the words "common council or other governing body" for the words "mayor or other head officer." The provision that one-half the license fee shall go to the chief of police or license inspector is stricken out.]

#### CHAPTER 88.—*Payment of wages of employees of counties—Semi-monthly pay day.*

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

Approved March 30, 1911.

#### CHAPTER 94.—*Bribery of representatives of labor organizations—Foremen accepting fees from employees.*

Bribery forbidden. SECTION 1. Any person who gives or offers to give any money or other things or things of value to any duly appointed representative of a labor organization, with intent to influence him in respect to any of his acts, decisions or other duties as such representative, or to induce him to prevent or cause a strike by the employees of any person or corporation, or any such representative who accepts or agrees to accept any money or other thing or things of value for such purpose or purposes, shall be guilty of a misdemeanor.

Accepting fees for employment. SEC. 2. Any person employed by any individual or corporation in this State as foreman, or in a similar capacity, having other workmen or employees under his control or authority, who shall accept from any such workman or employee any sum of money or any thing or things of value for the purpose of influencing such foreman or person in authority to retain such workman or employee in his position; or for the purpose of procuring employment in the business of such individual or corporation, or to avoid being discharged from such employment; or any person who shall agree or offer to accept a sum of money or any thing or things of value for the purposes mentioned in this section, or any person who shall give or offer to give to any such foreman or person in control or authority, any money or any thing or things of value for the purposes mentioned in this section, shall be guilty of a misdemeanor.

Witnesses to testify. SEC. 3. On the trial of any indictment against any person or persons for violation of any of the provisions of this act, all witnesses sworn on any such trial shall truly answer all questions put to them which the court shall decide to be proper and pertinent to the issue involved; and no witnesses shall be excused from answering any such question on the ground that to answer the same might or would incriminate him, or might or would tend to incriminate him; but no answer or answers made by any

witness to any such question shall be used or admitted in evidence in any proceeding against said witness, except in case of a criminal proceeding for perjury in respect to his answers to such questions.

Approved March 31, 1911.

CHAPTER 95.—*Compensation of workmen for injuries.*

SECTION I.—*Compensation by action at law.*

1. When personal injury is caused to an employee by accident arising out of and in the course of his employment, of which the actual or lawfully imputed negligence of the employer is the natural and proximate cause, he shall receive compensation therefrom from his employer, provided the employee was himself not willfully negligent at the time of receiving such injury, and the question of whether the employee was willfully negligent shall be one of fact to be submitted to the jury, subject to the usual superintending powers of a court to set aside a verdict rendered contrary to the evidence. Compensation to be paid.

2. The right to compensation as provided by Section I of this act shall not be defeated upon the ground that the injury was caused in any degree by the negligence of a fellow employee; or that the injured employee assumed the risks inherent in or incidental to or arising out of his employment or arising from the failure of the employer to provide and maintain safe premises and suitable appliances; which said grounds of defense are hereby abolished. Defenses abrogated.

3. If an employer enters into a contract, written or verbal, with an independent contractor to do part of such employer's work, or if such contractor enters into a contract, written or verbal, with a subcontractor to do all or any part of such work comprised in such contractor's contract with the employer, such contract or subcontract shall not bar the liability of the employer under this act for injury caused to an employee of such contractor or subcontractor by any defect in the condition of the ways, works, machinery or plant if the defect arose or had not been discovered and remedied through the negligence of the employer or some one entrusted by him with the duty of seeing that they were in proper condition. This paragraph shall apply only to actions arising under section one. Employees of contractors.

4. The provisions of paragraphs one, two and three shall apply to any claim for the death of an employee arising under an act entitled "An act to provide for the recovery of damages in cases where the death of a person is caused by wrongful act, neglect, or default," approved March third, eighteen hundred and forty-eight, and the amendments thereof and supplements thereto. Injuries causing death.

5. In all actions at law brought pursuant to Section I of this act, the burden of proof to establish willful negligence in the injured employee shall be upon the defendant. Proof of negligence.

6. No claim for legal services or disbursements pertaining to any demand made or suit brought under the provisions of this act shall be an enforceable lien against the amount paid as compensation, unless the same be approved in writing by the judge or justice presiding at the trial, or in case of settlement without trial, by the judge of the circuit court of the district in which such issue arose: *Provided*, That if notice in writing be given the defendant of such claim for legal services or disbursements, the same shall be a lien against the amount paid as compensation, subject to determination of the amount and approval hereinbefore provided. Attorneys' fees.

SECTION II.—*Elective compensation.*

7. When employer and employee shall by agreement, either express or implied, as hereinafter provided, accept the provisions of Section II of this act, compensation for personal injuries to or Adoption of system.

for the death of such employee by accident arising out of and in the course of his employment shall be made by the employer without regard to the negligence of the employer, according to the schedule contained in paragraph eleven, in all cases except when the injury or death is intentionally self-inflicted, or when intoxication is the natural and proximate cause of injury, and the burden of proof of such fact shall be upon the employer.

Plan exclusive.

8. Such agreement shall be a surrender by the parties thereto of their rights to any other method, form or amount of compensation or determination thereof than as provided in Section II of this act, and an acceptance of all the provisions of Section II of this act, and shall bind the employee himself and for compensation for his death shall bind his personal representatives, his widow and next of kin, as well as the employer, and those conducting his business during bankruptcy or insolvency.

Presumption of acceptance.

9. Every contract of hiring made subsequent to the time provided for this act to take effect shall be presumed to have been made with reference to the provisions of Section II of this act, and unless there be as a part of such contract an express statement in writing, prior to any accident, either in the contract itself or by written notice from either party to the other, that the provisions of Section II of this act are not intended to apply, then it shall be presumed that the parties have accepted the provisions of Section II of this act and have agreed to be bound thereby. In the employment of minors, Section II shall be presumed to apply unless the notice be given by or to the parent or guardian of the minor.

Termination.

10. The contract for the operation of the provisions of Section II of this act may be terminated by either party upon sixty days' notice in writing prior to any accident.

Compensation for disability.

11. Following is the schedule of compensation:

(a) For injury producing temporary disability, fifty per centum of the wages received at the time of injury, subject to a maximum compensation of ten dollars per week and a minimum of five dollars per week: *Provided*, That if at the time of injury the employee receives wages of less than five dollars per week, then he shall receive the full amount of such wages per week. This compensation shall be paid during the period of such disability, not, however, beyond three hundred weeks.

(b) For disability total in character and permanent in quality, fifty per centum of the wages received at the time of injury, subject to a maximum compensation of ten dollars per week and a minimum of five dollars per week: *Provided*, That if at the time of injury the employee receives wages of less than five dollars per week, then he shall receive the full amount of wages per week. This compensation shall be paid during the period of such disability, not, however, beyond four hundred weeks.

Specific injuries.

(c) For disability partial in character but permanent in quality, the compensation shall be based upon the extent of such disability. In cases included by the following schedule the compensation shall be that named in the schedule, to wit:

For the loss of a thumb, fifty per centum of daily wages during sixty weeks.

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

For the loss of a second finger, fifty per centum of daily wages during thirty weeks.

For the loss of a third finger, fifty per centum of daily wages during twenty weeks.

For the loss of a fourth finger, commonly called little finger, fifty per centum of daily wages during fifteen weeks.

The loss of the first phalange of the thumb, or of any finger, shall be considered to be equal to the loss of one-half of such thumb, or finger, and compensation shall be one-half the amounts above specified.

The loss of more than one phalange shall be considered as the loss of the entire finger or thumb: *Providing, however*, That in no

case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a great toe, fifty per centum of daily wages during thirty weeks.

For the loss of one of the toes other than a great toe, fifty per centum of daily wages during ten weeks.

For the loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified.

The loss of more than one phalange shall be considered as the loss of the entire toe.

For the loss of a hand, fifty per centum of daily wages during one hundred and fifty weeks.

For the loss of an arm, fifty per centum of daily wages during two hundred weeks.

For the loss of a foot, fifty per centum of daily wages during one hundred and twenty-five weeks.

For the loss of a leg, fifty per centum of daily wages during one hundred and seventy-five weeks.

For the loss of an eye, fifty per centum of daily wages during one hundred weeks.

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof, shall constitute total and permanent disability, to be compensated according to the provisions of clause (b).

In all other cases in this class the compensation shall bear such relation to the amounts stated in the above schedule as the disabilities bear to those produced by the injuries named in the schedule. Should the employer and employee be unable to agree upon the amount of compensation to be paid in cases not covered by the schedule, the amount of compensation shall be settled according to the provisions of paragraph twenty hereof.

The amounts specified in this clause are all subject to the same limitations as to maximum and minimum as are stated in clause (a).

12. In case of death compensation shall be computed but not distributed on the following basis: Compensation for death.

(1) Actual dependents.

If orphan or orphans, a minimum of twenty-five per centum of wages of deceased, with ten per centum additional for each orphan in excess of two, with a maximum of sixty per centum.

If widow alone, twenty-five per centum of wages.

If widow and one child, forty per centum of wages.

If widow and two children, forty-five per centum of wages.

If widow and three children, fifty per centum of wages.

If widow and four children, fifty-five per centum of wages.

If widow and five children or more, sixty per centum of wages.

If widow and father or mother, fifty per centum of wages.

If grandparents, grandchildren, or minor, or incapacitated brothers or sisters, twenty-five per centum of wages.

Compensation in case of death shall be computed on the basis of the foregoing schedule, but shall be distributed according to the laws of this State providing for the distribution of the personal property of an intestate decedent, unless decedent has in fact left a will.

(2) No dependents.

Expenses of last sickness and burial not exceeding two hundred dollars.

In computing compensation to orphans or other children, only those under sixteen years of age shall be included, and only during the period in which they are under that age, at which time payment on account of such child shall cease.

The compensation in case of death shall be subject to a maximum compensation of ten dollars per week and a minimum of five dollars per week: *Provided*, That if at the time of injury the employee receives wages of less than five dollars per week, then the compensation shall be the full amount of such wages per

week. This compensation shall be paid during three hundred weeks.

Compensation under this schedule shall not apply to alien dependents not residents of the United States.

**Minor injuries.** 13. No compensation shall be allowed for the first two weeks after injury received, except as provided by paragraph fourteen, nor in any case unless the employer has actual knowledge of the injury or is notified thereof within the period specified in paragraph fifteen.

**Medical, etc., aid.** 14. During the first two weeks after the injury the employer shall furnish reasonable medical and hospital services and medicines, as and when needed, not to exceed one hundred dollars in value, unless the employee refuses to allow them to be furnished by the employer.

**Notice.** 15. Unless the employer shall have actual knowledge of the occurrence of the injury, or unless the employee, or some one on his behalf, or some of the dependents, or some one on their behalf, shall give notice thereof to the employer within fourteen days of the occurrence of the injury, then no compensation shall be due until such notice is given or knowledge obtained. If the notice is given, or the knowledge obtained within thirty days from the occurrence of the injury, no want, failure, or inaccuracy of a notice shall be a bar to obtaining compensation, unless the employer shall show that he was prejudiced by such want, defect or inaccuracy, and then only to the extent of such prejudice. If the notice is given, or the knowledge obtained within ninety days, and if the employee, or other beneficiary, shall show that his failure to give prior notice was due to his mistake, inadvertence, ignorance of fact or law, or inability, or to the fraud, misrepresentation or deceit of another person, or to any other reasonable cause or excuse, then compensation may be allowed, unless, and then to the extent only that the employer shall show that he was prejudiced by failure to receive such notice. Unless knowledge be obtained, or notice given, within ninety days after the occurrence of the injury, no compensation shall be allowed.

**Form.** 16. The notice referred to may be served personally upon the employer, or upon any agent of the employer upon whom a summons may be served in a civil action, or by sending it through the mail to the employer at the last known residence or business place thereof within the State, and shall be substantially in the following form:

To (name of employer) :

You are hereby notified that a personal injury was received by (name of employee injured), who was in your employ at (place) while engaged as (nature of employment), on or about the (—) day of (—), nineteen hundred and (—), and that compensation will be claimed therefor.

Signed, (— — —).

but no variation from this form shall be material if the notice is sufficient to advise the employer that a certain employee, by name, received an injury in the course of his employment on or about a specified time, at or near a certain place. Notice served at the office of, or on the person who was the employee's immediate superior, shall be a compliance with this act.

**Medical examinations.** 17. After an injury, the employee, if so requested by his employer, must submit himself for examination at some reasonable time and place within the State, and as often as may be reasonably requested, to a physician or physicians authorized to practice under the laws of this State. If the employee requests, he shall be entitled to have a physician or physicians of his own selection present to participate in such examination. The refusal of the employee to submit to such examination shall deprive him of the right to compensation during the continuance of such refusal. When a right to compensation is thus suspended no compensation shall be payable in respect of the period of suspension.

18. In case of a dispute over, or failure to agree upon, a claim for compensation between employer and employee, or the dependents of the employee, either party may submit the claim, both as to questions of fact, the nature and effect of the injuries, and the amount of compensation therefor according to the schedule herein provided, to the judge of the court of common pleas of such county as would have jurisdiction in a civil case, or where there is more than one judge of said court, then to either or any of said judges of such court, which judge is hereby authorized to hear and determine such disputes in a summary manner, and his decision as to all questions of fact shall be conclusive and binding. Disputes.

19. In case of death, where no executor or administrator is qualified, the said judge shall, by order, direct payment to be made to such person as would be appointed administrator of the estate of such decedent upon like terms as to bond for the proper application of compensation payments as are required of administrators. Payments in case of death.

20. Procedure in case of dispute shall be as follows:

Either party may present a petition to said judge setting forth the names and residences of the parties and the facts relating to employment at the time of injury, the injury in its extent and character, the amount of wages received at the time of injury, the knowledge of the employer or notice of the occurrence of said injury, and such other facts as may be necessary and proper for the information of the said judge, and shall state the matter or matters in dispute and the contention of the petitioner with reference thereto. This petition shall be verified by the oath or affirmation of the petitioner. Settlement of disputes.

Upon the presentation of such petition the same shall be filed with the clerk of the court of common pleas, and the judge shall fix a time and place for the hearing thereof, not less than three weeks after the date of the filing of said petition. A copy of said petition shall be served as summons in a civil action and may be served within four days thereafter upon the adverse party. Within seven days after the service of such notice the adverse party shall file an answer to said petition, which shall admit or deny the substantial averments of the petition, and shall state the contention of the defendant with reference to the matters in dispute as disclosed by the petition. The answer shall be verified in like manner as required for a petition.

At the time fixed for hearing or any adjournment thereof the said judge shall hear such witnesses as may be presented by each party, and in a summary manner decide the merits of the controversy. This determination shall be filed in writing with the clerk of the common pleas court, and judgment shall be entered thereon in the same manner as in causes tried in the court of common pleas, and shall contain a statement of facts as determined by said judge. Subsequent proceedings thereon shall only be for the recovery of moneys thereby determined to be due: *Provided*, That nothing herein contained shall be construed as limiting the jurisdiction of the supreme court to review questions of law by certiorari. Costs may be awarded by said judge in his discretion, and when so awarded the same costs shall be allowed, taxed and collected as are allowed, taxed and collected for like services in the common pleas court.

21. The amounts payable periodically as compensation may be commuted to one or more lump sum payments by the judge of the court of common pleas having jurisdiction as set forth in the preceding paragraph, upon the application of either party, in his discretion, provided the same be in the interest of justice. Unless to [so] approved, no compensation payments shall be commuted. Lump-sum payments.

An agreement or award of compensation may be modified at any time by a subsequent agreement, or at any time after one year from the time when the same became operative it may be reviewed upon the application of either party on the ground that the incapacity of the injured employee has subsequently increased or diminished. In such case the provisions of paragraph seventeen with reference to medical examination shall apply.

Claims preferred. 22. The right of compensation granted by this act shall have the same preference against the assets of the employer as is now or may hereafter be allowed by law for a claim for unpaid wages for labor. Claims or payments due under this act shall not be assignable, and shall be exempt from all claims of creditors and from levy, execution or attachment.

SECTION III.—*General provisions.*

Definitions. 23. For the purposes of this act, willful negligence shall consist of (1) deliberate act or deliberate failure to act, or (2) such conduct as evidences reckless indifference to safety, or (3) intoxication, operating as the proximate cause of injury.

Wherever in this act the singular is used the plural shall be included; where the masculine gender is used, the feminine and neuter shall be included.

Employer is declared to be synonymous with master and includes natural persons, partnerships and corporations; employee is synonymous with servant and includes all natural persons who perform service for another for financial consideration, exclusive of casual employments.

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

Provisions construed separately. 24. In case for any reason any paragraph or any provision of this act shall be questioned in any court and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other paragraph or provision of this act, except that Sections I and II are hereby declared to be inseparable, and if either section be declared void or inoperative in an essential part, so that the whole of such section must fall, the other section shall fall with it and not stand alone. Section I of this act shall not apply in cases where Section II becomes operative in accordance with the provisions thereof, but shall apply in all other cases, and in such cases shall be in extension of the common law.

Exception.

Effect on other laws.

25. Every right of action for negligence, or to recover damages for injuries resulting in death, existing before this act shall take effect, is continued, and nothing in this act contained shall be construed as affecting any such right of action, nor shall the failure to give the notice provided for in Section II, paragraph fifteen of this act, be a bar to the maintenance of a suit upon any right or action existing before this act shall take effect.

Act takes effect, when.

27. This act shall take effect on the fourth day of July next succeeding its passage and approval.

Approved April 4, 1911.

CHAPTER 136.—*Mercantile establishments—Employment of children—Regulations for safety and sanitation.*

Employment during school time.

SECTION 1. No child under the age of fourteen years shall be employed, allowed or permitted to work in any mercantile establishment during any of the hours in which the public schools are in session in the district in which such child resides; any corporation, firm or individual who shall employ, allow or permit to work in any mercantile establishment any child under the age of fourteen years during the time prohibited by this section shall incur a penalty of fifty dollars.

Age limit.

Hours of labor.

SEC. 2. No child under the age of sixteen years shall be employed, allowed or permitted to work in or in connection with any mercantile establishment more than fifty-eight hours in any one week, or before seven o'clock in the morning or after seven o'clock in the evening of any day (excepting one day in the week,

Night work.

when such minors may be permitted to work until nine o'clock in the evening). The provisions of this section shall not apply to the employment of such minors between the fifteenth day and the

twenty-fifth day of December, inclusive, when such minors may be permitted to work until ten o'clock in the evening; any corporation, firm or individual who shall violate any of the provisions of this section shall be liable to a penalty of fifty dollars.

SEC. 3. It shall be the duty of the commissioner of labor, the assistant commissioner, or the inspectors of the department of labor, or truant officers or other person empowered by law, to compel the attendance of children at school, and they shall have power to investigate and inspect all mercantile establishments coming under the intent and provisions of this act.

Enforcement.

SEC. 4. A corporation, firm or person owning or operating a place or places coming under the provisions of this act, and employing, allowing or permitting children actually or apparently under sixteen years of age to work therein, shall keep or cause to be kept in the main office of such place in the town or city in which such place is located, a register or record in which shall be recorded the name, place of residence and time of employment of all such minors employed therein, together with a transcript of the record of birth of such minors duly attested by an officer having by law the authority to keep records of birth in the State, county or city in which such child was born; if no such birth certificate can be obtained, and the child was baptized, then a certified copy of the baptismal record of the church or parish in which such baptism took place, duly certified as a true copy under the hand of the person having the custody of such church or parish records, which shall set forth the age of the child at the time of baptism. In the case of foreign-born children, the same transcript of the record of the birth or baptismal certificate shall be required as is required of a native-born child, in addition to the passport under which such child was admitted to this country, or a true copy of the same. The commissioner of labor shall have power to issue permits of employment to children, upon the production of evidence of the child's age, satisfactory to the commissioner: *Provided*, That he shall first be satisfied that the child cannot obtain a transcript of the birth record or passport or a baptismal certificate as above provided; such registers, certificates and transcripts shall be produced for inspection upon demand of the commissioner, assistant, or any of the inspectors, or any truant officer or other person empowered by law to compel the attendance of children at school; any corporation, firm or person failing to keep such registers, or refusing to permit the persons herein, authorized to inspect the same, or the certificates, transcripts and passports, shall be liable to a penalty of fifty dollars for each offense.

Registers.

Permits.

SEC. 5. Anyone who shall swear falsely to any affidavit or present any certificate or passport which he or she knows to be false, and any person or persons who shall aid, assist or advise the making of a false affidavit or the obtaining of a false certificate or passport, shall be liable to a penalty of fifty dollars for each offense.

False statements.

SEC. 6. The commissioner of labor, his assistant, or any inspector, or truant officer, or other person empowered by law to compel the attendance of children at school, is hereby empowered to enter into and inspect at any reasonable time and without notice or request for permission all mercantile establishments coming under the provisions of this act and to demand of any parent, custodian or guardian proof of the age of the child satisfactory to the commissioner, and such parent, parents, custodian or guardians shall, within five days after such demand is made, furnish to such officer proof of such child's age; and in the event of the failure to procure and furnish such proof of age, such child shall be discharged by his or her employer upon notice in writing, signed by the commissioner, and shall not be reemployed until such proof of age shall have been furnished to the commissioner.

Inspection.

SEC. 7. The openings of all hoistways, hatchways, elevators and well-holes upon every floor of any place coming under the provisions of this act shall be protected by good and sufficient trap-

Hoistways,  
etc.

doors or self-closing hatches and safety catches, or strong guard-rails at least three feet high, and shall be kept closed and protected at all times except when in actual use by the occupant of the building having the use and control of the same.

Ventilation.

SEC. 8. The owner, agent or lessee of a place coming under the provisions of this act, or employer, shall provide in each mercantile establishment proper and sufficient means of ventilation; in case of failure, the commissioner shall order such ventilation to be provided; such owner, agent, lessee or employer shall provide such ventilation within twenty days after the service upon him of such order in writing, and in case of failure shall be liable to a fine of ten dollars for each day after the expiration of the time given by such order to make the change.

Water - closets, etc.

SEC. 9. Every mercantile establishment shall contain sufficient, suitable, convenient and separate water-closets for each sex, which shall be properly screened, ventilated and kept clean; and also, if ordered by the commissioner of labor, a suitable and convenient wash room; the water-closets used by women shall have separate approaches; if women or girls are employed, a dressing-room shall be provided for them when ordered by the commissioner.

Laws to be posted.

SEC. 10. An abstract of this law shall be prepared and furnished upon request by the commissioner to every corporation, firm or person in this State who is affected thereby, and every such corporation, firm or person to whom a copy of such abstract is sent or delivered shall post such abstract of this law and keep it posted in plain view, in such place that it can be easily read by the employes or operatives in coming in or going out from said mercantile establishment.

Hindering inspectors.

SEC. 11. No person shall interfere with, delay, obstruct or hinder, by force or otherwise, the commissioner, the assistant commissioner, inspectors or truant officers while in the performance of their duties, or refuse to answer, in writing or otherwise, questions asked by such officers relating to the matters coming under the provisions of this act; no person shall impersonate an officer of the department or forge his certificate of authority.

Enforcement.

SEC. 12. For the purpose of carrying into effect the provisions of sections seven, nine, ten and eleven of this act the commissioner shall be and he is hereby authorized to make such orders in writing for the protection and safety of employes and operatives and the enforcement of this act, in places coming under the provisions of this act, as in his judgment shall seem necessary to carry into effect the provisions of such sections; such order shall be in writing, signed by the commissioner, and shall specify what shall be necessary to be done and within what time; any corporation, firm or person violating any of the provisions of sections seven, nine, ten and eleven, shall, for each offense, be liable to a penalty of fifty dollars.

Same.

SEC. 13. All proceedings brought under the provisions of this act shall be by action of debt, in the name of the commissioner, to be instituted in any district court of a city, recorder's court of cities, or before any justice of the peace having due jurisdiction, \* \* \* the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such a defendant is committed under such an execution he shall not be discharged under the insolvent laws of the State but shall only be discharged by the court making the order for the body execution, one or more of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all moneys collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

Construction of act.

SEC. 14. Nothing herein contained shall be construed to repeal in whole or in part the act \* \* \* [chapter 64, act of 1904] or

the amendment thereof and supplements thereto, but the provisions of this act shall be held to be in addition thereto.

SEC. 15. "Mercantile establishment" as used in this act shall be construed to apply to any employment of labor other than a factory, workshop, mill or other place where the manufacture of goods of any kind is carried on.

Definition.

Approved April 7, 1911.

CHAPTER 195.—Accidents on railroad.

SECTION 17. The board [of public utility commissioners] shall have power, after hearing, upon notice, by order in writing, to require every public utility as herein defined:

Power of board.

(g) To give such notice to the board as the board may by rule require of any and all accidents which may occur within this State upon the property of any public utility as herein defined or directly or indirectly arising from or connected with its maintenance or operation, and to investigate any such accident and to make such order or recommendation with respect thereto as in its judgment may be just and reasonable.

Notice.

Investigation.

Approved April 21, 1911.

CHAPTER 198.—Old age insurance and pensions commission.

SECTION 1. The governor, by and with the consent of the senate, shall appoint a commission of five (5) persons, to be known as the Commission on Old Age Insurance and Pensions, one member of which shall be appointed for a term of five (5) years; one for a term of four (4) years; one for a term of three (3) years; one for a term of two (2) years; one for a term of one (1) year. Upon the expiration of the term of any member, a successor, for a term of five (5) years, shall be appointed. One member shall be a representative of employers, one member shall be a representative of employees.

Commission authorized.

The commission shall employ a secretary, who shall not be a member of the commission, at a salary not to exceed eight hundred and fifty dollars.

The members of the commission shall receive no compensation for their services, but necessary expenses for traveling, stationery and other purposes not to exceed three hundred and fifty dollars in all shall be paid out of the treasury of the State, subject to the approval of the governor.

Expenses.

Sec. 2. The commission shall act as a bureau of information and assistance for employers and employees, for associations of employers and employees and for municipalities and counties in the State with a view to aiding and advising them regarding the establishment of systems of old age insurance and pensions or annuities. In rendering this service the commission may formulate plans and superintend their establishment in cooperation with the parties concerned.

Duties.

The commission shall also make such investigations regarding the operation of pension, insurance and annuity systems as it may deem advisable.

Sec. 3. The commission shall report annually, on or before the third Tuesday of January. The report shall set forth the work done by the commission during the preceding year in accordance with the instructions of this act, and shall present such recommendations of legislation on the subject of old age insurance, pensions or annuities as the commission may deem advisable. The report shall also give a tabulated statement of the expenditures of the commission and an estimate of the amount required for the purposes of the commission during the coming year.

Report.

Approved April 22, 1911.

CHAPTER 206.—*Factory, etc., regulations—Foundries.*

- Entrances.** SECTION 1. All entrances to foundries shall be constructed and maintained so as to minimize drafts. All passageways in foundries, now in operation or hereafter to be built shall be constructed and maintained of sufficient width to make them reasonably safe for the workmen, and no unnecessary obstruction shall be allowed
- Ventilation.** in such passageways during the hours of casting. Whenever a foundry is so constructed or operated that smoke, steam, dust or noxious gases are not promptly carried off by the general ventilation, exhaust fans shall be provided. Foundries shall be reasonably well lighted throughout the working hours and reasonably well heated during the cold and inclement weather. Hot water shall be kept available for washing purposes during the season in which artificial heating is necessary. When it is thought necessary and advisable by a State factory inspector, facilities shall be provided for drying the clothing of persons employed therein. All pits around furnaces in any such brass factory shall be covered with substantial iron gratings. All stairways around
- Sanitation.** such furnaces shall be constructed of iron. There shall be kept on hand at all times in every foundry a reasonable supply of lime-water, sweet oil, vaseline, bandages and absorbent cotton for use by the workmen in case of burns or accident. It is hereby made the duty of each and every State factory inspector to enforce the provisions of this act.
- Guards.** SEC. 2. Any place or establishment where metal castings or cores are made shall be deemed a foundry within the meaning of this act.
- Provisions for accidents.** Approved April 24, 1911.

CHAPTER 210.—*Factory, etc., regulations—Inspectors.*

- Additional inspectors.** [This chapter adds six to the number of inspectors previously provided for, and places all inspectors under the civil-service law of the State.]
- Approved April 24, 1911.

CHAPTER 214.—*Factory, etc., regulations—Fire escapes.*

- Exits.** SECTION 1. Every factory, workshop, mill or place where the manufacture of goods of any kind is carried on shall hereafter, under the supervision and direction of the commissioner of labor, be provided with ample and proper ways and means of egress or escape in emergency arising from fire or otherwise, sufficient for the use of all persons therein, and as well shall be protected, so far as practicable, against the origin and spread of fire.
- Two ways of egress.** SEC. 2. Buildings two stories in height used for any purpose as stated in paragraph one at the time this act becomes effective, shall have at least two means of egress from the second story thereof, placed as far as possible at opposite ends of the room or building. Such egress may be provided by inside stairways or outside fire escapes, or both, and doors communicating therewith, as the said commissioner shall direct. Buildings more than two stories in height used for any purpose as stated in paragraph one at the time this act becomes effective, shall have at least two means of egress communicating with each story thereof, one of which shall be an inside stairway and one an outside fire escape. The said commissioner shall have power to order the construction of a second inside stairway and additional outside fire escapes, doors and windows as in his judgment are necessary to furnish proper and adequate protection to the inmates of such building.
- Fire escapes.** SEC. 3. All such fire escapes, stairways, doors and windows shall be located at such places in or on said building, and shall include as many stories and doors thereon as the commissioner shall direct. All such stairways, fire escapes, doors and windows added by order of the commissioner shall conform to the require-
- Location.**
- Type.**

ments and standards established by this act for new buildings. The commissioner is hereby given authority to order such changes in existing stairways, fire escapes and elevator shafts, doors and windows as may in his judgment be necessary to establish them as safe and proper means of egress. Any existing fire escape or stairway which in the judgment of the commissioner cannot be made safe and proper by alteration shall be condemned, removed and replaced as the commissioner shall direct.

SEC. 4. No building shall hereafter be erected, nor any building not now used for factory purposes be adopted for such use, nor any addition be constructed, more than two stories in height, unless the plans and specifications, as to stairways, elevator shafts, fire escapes and doors and windows, ventilation and sanitation therefor be first submitted to and approved by the commissioner upon the advice of the department of charities and corrections. With such plans and specifications shall be submitted an estimated number of employees to be engaged upon each story or separated subdivision of any story of the proposed building. Such buildings two stories in height shall conform to the provisions of paragraph two. Construction of new buildings.

SEC. 5. Buildings referred to in paragraph four, more than two stories in height, shall be equipped with one or more inside stairways and one or more outside fire escapes, the number, location and construction thereof to be approved by the commissioner. All stairways and elevator shafts in such buildings shall be enclosed in walls of fireproof or fire-resisting material, which shall run from the foundations to and through the roof; the stairways shall be constructed as nearly as possible of fireproof or fire-resisting material, and all entrances thereto shall be protected by doors of fireproof or fire-resisting material. The commissioner of labor may require that proper fire-stops shall be provided in the floors, walls and partitions of such buildings, and may make such further requirements as may be necessary or proper to prevent the origin or spread of fire therein. Stairways and fire escapes.

SEC. 6. The fire escape shall be constructed according to specifications to be issued or approved by the commissioner of labor, and shall, as near as practicable, conform to the requirements of this act; and shall consist of outside iron balconies, and stairways at each floor above the first, connecting said balconies to the ground, except in the case of a fire escape over a public highway, or private driveway, when balanced stairs shall connect the lowest balcony to the ground in a manner hereinafter specified; the stairways shall be placed at a slope no steeper than forty-five degrees, or as near as possible thereto, and shall be, where practicable, on the straight run type similar to a flight of stairs; the balcony on the top floor shall be provided with a gooseneck ladder leading from said balcony to and above the roof, when ordered by the commissioner. Fire escapes may project into the public highway to a distance not greater than four feet six inches beyond the building line. The balconies shall not be less than four feet wide in the clear, when one balcony is placed directly above another, and three feet when the escape is constructed on the straight run plan, taking in at each story above the ground floor at least one door of each part of building separated by inside walls; they shall be not more than one foot below the door sills, and extend in front of and not less than nine inches beyond each door; there shall be a landing not less than twenty-four inches square at the head and foot of each stairway; the stairway well-hole on each platform shall be of a size sufficient to provide a clear headway, and shall be protected by a railing similar to that provided for balance of platform. All entrances to fire escape platforms shall be made by means of doors, which must be cut down to the level of the floor, except when some other construction is specified by the commissioner of labor. The doors shall open in the manner designated by the commissioner of labor. All doors or windows opening onto a fire escape or directly under Form of fire escapes.

a fire escape shall be metal-covered and all glass used therein shall be wire glass.

**Balconies.**

Sec. 7. The floors of balconies shall be of wrought iron slats not less than two inches by three-eighths inch refined flat wrought iron placed not more than one inch apart, and well secured and riveted at each intersection with three-eighths inch rivets, the iron runners not less than one and three-quarters inch by one and three-quarters inch by one-quarter inch gusset plate placed at point of bracket one-quarter inch thick. Brackets to be riveted together with one-half inch rivets driven hot concentric with sections, riveted together in such a manner that the holes are completely filled, and rivets must be well rounded; wall connections to be provided with one fifteen-sixteenths inch hole. For frame buildings to have feet turned down two inches on lower flange of angle with eleven-sixteenths inch hole in same. For brick, stone or cement buildings to extend in wall one and one-half inches. The openings for stairways in all balconies shall not be less than twenty-four inches wide, and such openings shall have no covers of any kind; the platforms of balconies shall be constructed and erected to safely sustain in all their parts a safe load of not less than eighty pounds per square foot, utilizing a ratio of four to one between the safe working load and the ultimate strength of all parts.

**Balcony rails.**

Sec. 8. All balcony rails shall in no case be less than three feet above the floor of balcony, and shall extend around the entire platform, and in all cases shall go through the wall at each end and be worked out to three-quarters inch both sides and be properly secured by nuts with washers at least four inches square and three-eighths inch thick, and no top rail shall be connected at angles by gray cast iron. The top rail of balconies shall be one three-quarters inch by one-half inch of wrought iron, or one three-quarters inch angle iron at least three-sixteenths of an inch thick, or a three run three-quarters inch inside diameter wrought iron pipe railing, all pipe railings to be continuous. The bottom rails shall in no case be more than eight inches above the floor of balcony, and shall be of one one-half inch by three-eighths inch wrought iron, or of one one-half inch angle iron at least three-sixteenths of an inch thick, all leaded or cemented into the wall; the standard or filling-in bars shall not be less than five-eighths inch round or square wrought iron well riveted to the top and bottom rails, and shall be placed not more than six inches apart, and the lower rail of the platform shall be riveted or bolted to the frame of platform in such a manner as approved by the commissioner of labor. Where the three run pipe-rail is adopted for the balcony railing no additional filling-in bars will be required.

**Stairways.**

Sec. 9. The stairway shall be constructed and erected to fully sustain all parts and carry a safe load of not less than one hundred pounds per square foot, utilizing a ratio of four to one between the safe working load and the ultimate strength of all parts, with the exception of the tread which must safely stand at said ratio a concentrated load of two hundred pounds. The treads shall be not less than seven inches wide in the clear, and the rising of each step not more than nine inches; the treads shall be constructed of two pieces of one one-quarter inch by one one-quarter inch by three-sixteenths inch angles and one piece of two one-half inch by three-sixteenths inch flat riveted on each end with five-sixteenths inch rivets to one one-quarter inch by three-sixteenths inch angles. Each step will have one piece of one inch by one inch by one-eighth inch angle riveted to each of the side angles forming the step and a two one-half inch by three-sixteenths inch flat between same with five-sixteenths inch counter sunk rivets on top, such stiffener to be located in the center of steps. The stairs shall be not less than twenty-four inches wide between inside of strings, and there shall remain a clear passage-way between the stairway and wall. The strings shall be not less than six inches by one-quarter inch flat wrought refined iron.

Stairways to be connected to platforms by two one three-quarter inch by three-eighths inch flat wrought iron hooks, one on each side, both secured by two half-inch bolts. The stairs shall have a hand rail of not less than three-quarters inch inside diameter round wrought iron pipe, to be of double run pattern, railing to connect at top and bottom to platform; posts to be not less than thirty-six inches in a vertical line from top of step to top run of railing. All posts to be of three-quarter inch inside diameter wrought iron, pipe to be spaced at intervals not greater than six feet and all fittings to be standard malleable iron; said pipe posts to be secured to the stairway runners by seven-sixteenths inch U bolts. The pipe posts must not be flattened where connection is made to stair runners, but must extend to bottom of said runners in its full and original shape.

SEC. 10. Brackets shall be placed not more than four feet apart, and shall extend across full width of balcony and on new buildings shall be set as walls are being built.

Brackets.

SEC. 11. Proper balanced stairways of a cantilever type or such other style as may be approved by the commissioner of labor reaching to a safe landing place below on the ground, shall be provided from the lower balcony of any fire escape over a public highway or private driveway in place of a stairway and when the floor of such balcony is more than sixteen feet above the sidewalk or ground, a suitable landing platform shall be provided; such platform shall be located not more than ten feet above the ground and shall be connected with the balcony above by means of a stairway constructed as this act requires for stairways between balconies; such platform shall not be less than three feet in width and four feet long and provided with railings as before specified for balconies, and the ground shall be reached in the manner specified for lower balconies not more than sixteen feet in height or by such other method as may be approved by the commissioner of labor; the gooseneck ladder shall be securely bolted through the wall of the building and the strings shall extend at least thirty inches above the roof and return down and be secured to same; there shall be a space of not less than fourteen inches between such ladder and the outer rail of balconies.

Landings.

SEC. 12. All the parts of such fire escapes shall receive not less than two coats of paint, one in the shop and one after erection, and shall be painted thereafter at least once in each year.

Painting.

SEC. 13. The commissioner shall have power to enforce the provisions of this act by order in writing served upon the owner or owners of any building coming within the operation of this act, specifying the directions to be executed and the time limited for the completion thereof. Any person, firm or corporation failing or neglecting to comply with the terms of such order within the time therein limited, or any extension thereof granted by the said commissioner, shall be liable to a penalty of one hundred dollars for such failure and to a further penalty of ten dollars for each day that shall elapse after the expiration of the time limit until compliance is made with the terms of such order. If the order is not complied with within the time limited, in addition to the foregoing penalty, the commissioner shall forthwith cause the said building to be closed for manufacturing purposes until such order is complied with. The commissioner shall give the owner of such building twenty-four hours' notice, in writing, of a closing order, and then shall post on the doors of such building a notice that such building has been closed for manufacturing purposes pending compliance with an order of the department of labor. If the said building shall be used for any manufacturing purpose until such order shall have been revoked by the said commissioner upon compliance with said order, the owner of such building shall be liable to a penalty of one thousand dollars.

Enforcement.

For violation of any mandatory portion of this act, if an order of the commissioner with reference thereto have not been issued,

- the owner of such building shall be liable to a penalty of one hundred dollars.
- Minimum requirements.** Sec. 14. The provisions of this act shall be construed as furnishing minimum requirements for the guidance of said commissioner of labor; he may multiply or add such requirements as in his judgment are necessary and proper in each particular instance, and the orders of the said commissioner shall be construed as the minimum requirements in each particular case. No municipality shall issue orders or permits in derogation thereof, but any municipality may require, in addition thereto, such precautions or devices as are not inconsistent with the provisions of this act, but the municipality shall be responsible for the enforcement of the orders issued under its authority.
- Number of employees to be considered.** Sec. 15. All installation of fire escapes or stairways shall be made with reference to the maximum number of persons to be employed upon each story of any building or separate subdivision thereof, a statement of which number shall be posted by the owner upon the wall of each story or separated subdivision thereof, so as to be visible at all times. Under no circumstances shall this number, when once ascertained and installation of fire escapes and stairways be made with reference thereto, be exceeded, except by permission of the commissioner.
- Stairway to roof.** Sec. 16. In all buildings not detached, a stairway running from the top floor to the roof by means of a bulkhead may be ordered by the commissioner.
- Partitions.** No partitions which interfere with established means of egress shall be erected unless by approval of the commissioner.
- Water, etc.** Pails of water and sand shall be provided and located as ordered by the commissioner.
- Waste.** A suitable disposition shall be made of all inflammable articles and suitable waste cans or barrels shall be provided for the proper handling of sweepings, oily waste or other combustible material, as directed by the commissioner.
- Doors and hand rails.** Such doors and hand rails may be required on stairways as may be approved by the commissioner.
- Approval.** No fire escapes shall be constructed without the approval of the commissioner of labor, unless specifically required by municipal authorities.
- Signs.** Doors leading to fire escapes shall be clearly indicated by signs posted or painted on the walls above or at the side of such doors. The approaches to such doors shall be kept free and unobstructed at all times.
- Tower.** A fire tower approved by the commissioner may be substituted for an inside stairway or outside fire escape.
- Doors to open outward.** All exit doors throughout the building shall open outward, or be sliding doors, and if kept closed during working hours, shall be fastened only in such manner as to be capable of ready and immediate opening from the inside.
- Fire alarm.** Sec. 17. Factory buildings more than two stories in height shall be equipped with a system of fire alarm, with sufficiently large gongs, located on each floor of the factory building, or within each separate room where more than one factory is located on a single floor.
- The system shall be so installed as to permit the sounding of all the alarm gongs within a single building whenever the alarm is sounded in any one portion thereof. The means of sounding these alarms shall be placed within easy access of all the operatives within the specified factory or room, and shall be plainly labeled. This system of fire alarms is not to be used for any purpose other than in case of a fire or fire drill, and it shall be the duty of the person in charge of any factory or section of a factory wherein a fire originates immediately to cause an alarm to be sounded.
- Fire drill.** Sec. 18. A fire drill sufficient to enable the operatives of a factory immediately and rapidly to leave a building shall be maintained in every factory building more than two stories in height, and shall be practiced at least once in every calendar month. A

demonstration of this fire drill shall be given upon the request of a representative either of the department of labor, or of the fire department of the municipality in which the factory is located. The chief of each fire department shall advise the commissioner of labor of any violation of the requirements of this law coming to his knowledge.

Approved April 24, 1911.

CHAPTER 241.—*Employers' liability commission—Accidents to be reported.*

SECTION 1. The governor is hereby authorized to appoint six citizens of this State as an employers' liability commission, who shall hold their offices for the term of two years and until their successors are appointed and qualified. They shall receive no compensation for their services, but their actual traveling expenses incurred upon the business of the commission shall be paid by the State treasurer, upon warrants approved by the president of said commission. The commission shall have the power to choose one of their number as president and one of their number as secretary, and shall have power to appoint a clerk. The expenses of the commission, the salary of the secretary and of the clerk shall be paid from appropriations made for that purpose in any annual or supplemental appropriation bill. It shall be the duty of the commission to observe in detail, so far as possible, the operations throughout the State of the recent act of the legislature commonly known as "The Employers' Liability Act," entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven.

Commission authorized.

Duties.

SEC. 2. From and after the fourth day of July next, when the said law becomes operative, every employer of labor within the State of New Jersey shall report to said commission, upon the occurrence of any injury to any of his employees the name and nationality of the employee so injured, the nature and extent of such injury, whether said injured employee and the employer at the time of said injury were subject to the provisions of section one or section two of said act, and the amount of compensation when determined, together with such other facts relating to such injury as the commission may request. The information thus received shall be tabulated, from time to time, and the records thereof shall be the private records of the commission; they shall not be made public or open to inspection unless in the opinion of the commission the public interests shall require it, and they shall not be used as evidence against any employer in any suit or action at law brought by any employee for the recovery of damages. The commission shall hold meetings, from time to time, as they may deem necessary, and shall present to each session of the legislature a report showing the operations under the said act during the preceding year, together with any suggestions or recommendations which they may deem necessary or proper for the improvement of the said act, in order to accomplish with the greatest efficiency the purposes of said act.

Accidents to be reported.

Reports.

Approved April 27, 1911.

CHAPTER 243.—*Hours of labor on public works—Eight-hour day.*

SECTION 1. The service and employment of all mechanics, workmen and labors, who are now or who may hereafter be employed by or on behalf of this State, or by or on behalf of any county, city, township or other municipality therein, or by or on behalf of any contractor or subcontractor in the construction or repair of any of the public works of this State, or of any county, city, township or other municipality therein, is hereby limited and re-

Eight-hour day prescribed.

stricted to eight hours in any one calendar day, and it shall be unlawful for any officer or agent of this State, or of any county, city, township or other municipality therein, or of any contractor or subcontractor, whose duty it shall be to employ, direct or control the services of any mechanic, workman or laborer employed or engaged upon such public works, to require or permit any such mechanic, workman or laborer to work more than eight hours in any calendar day: *Provided*, That in case of accident or unexpected contingency extra labor may be permitted for extra compensation.

Violations.

SEC. 2. Any officer or agent of this State, or of any county, city, township or other municipality therein, is of any contractor or subcontractor, [sic] whose duty it shall be to employ, direct or control any mechanic, workman or laborer employed in the construction or repair of any of the public works of this State, or in the construction or repair of any of the public works of any county, city, township or other municipality therein, who shall violate the provisions of this act, shall be guilty of a misdemeanor and for each and every offense shall, upon conviction, be punished by a fine not to exceed one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

Approved April 27, 1911.

CHAPTER 273.—*Factory, etc., regulations—Time for meals.*

One-half hour to be allowed.

SECTION 1. Every corporation, firm or person owning or operating any place coming under the provisions of the act to which this act is a supplement, [ch. 64, Acts of 1904], shall give all operatives and employees at least one-half hour for their midday meal, after being continuously employed for a period of not more than six hours, on any workday except Saturday.

Fixing time.

SEC. 2. The period for such meal shall be fixed by every such employer, having in view the health and physical welfare of such operatives and employees in all such factories, workshops, mills and places where the manufacture of goods of any kind is carried on; if any such place is operated at night, or in eight-hour shifts, such meal period shall be fixed as aforesaid for such operatives and employees at such time as may be consistent with the mutual interests of such employer and operatives and employees.

Notice to be posted.

SEC. 3. Notice of the hours within which such operatives may obtain such meals shall be plainly printed and kept posted in a conspicuous place in all workrooms where any such employees or operatives are engaged.

Violations.

SEC. 4. Any such owner or employer, violating any of the provisions of this act shall be liable to a penalty of one hundred dollars for the first offense and of two hundred dollars for each subsequent offense.

Approved April 27, 1911.

CHAPTER 327.—*Factory, etc., regulations—Sanitation of bakeries, etc.*

SECTION 1. Section three of the act to be amended [ch. 102, Acts of 1905] is hereby amended to read as follows:

Sanitation.

SECTION 3. All buildings or rooms where goods are manufactured or made shall be drained and plumbed in a manner that will conduce to the proper and healthful sanitary condition thereof, and shall have air shafts, windows or ventilating pipes sufficient to insure ventilation, and all the doors, windows and other openings shall be thoroughly screened so as to prevent the entrance of flies or other insects between the first day of April and the thirty-first day of October; expectorating is prohibited within the buildings or rooms except into a proper receptacle; no person or corporation shall hereafter engage or continue in the business of making or

manufacturing biscuit, pies, bread, crackers, cakes or confectionery for the purpose of distribution or sale, unless he shall first obtain from the commissioner of labor of this State a license so to do. The applicant for any such license shall state in his application the location of the place or places at which he intends to engage in such business and such license shall not be issued unless the said commissioner is satisfied that such place or places conform to all the requirements of this act. Such license shall specify the place or places at which such business is authorized to be carried on, and shall not authorize the engaging in such business at any other place or places. When it shall be made to appear to the said commissioner that any place at which such business is carried on under a license as aforesaid is not kept in accordance with or does not conform to the requirements of this act, said commissioner may revoke the license of the person engaging in such business at such place. No person whose license to engage in such business has been revoked, shall engage in such business in this State until he has procured a new license in accordance with the terms of this act. Any applicant for any such license shall pay to the commissioner of labor a license fee of one dollar, which fee shall be returned to such applicant, in case the license is not granted; no cellar, basement or place which is below the street level shall hereafter be used and occupied as a place in which to manufacture biscuits, pies, bread, crackers, cakes or confectionery, except where the same was used for the purpose at the time of the passage of the act to which this act is an amendment: *Provided*, That this act shall not prevent the use for the manufacture of confectionery of any cellar, basement or place which shall, after due inspection and examination by inspectors of the department of labor, be certified to by the commissioner of labor as sanitary in all respects and proper to be occupied for such purposes, which certificate may be revoked at any time; \* \* \*

License.

Use of basements, etc.

Approved May 1, 1911.

CHAPTER 362.—*Commission of immigration.*

SECTION 1. The governor is hereby authorized to appoint a commission of immigration, which shall consist of three members, who shall serve without compensation, and which shall make full inquiry, examination and investigation into the conditions, welfare, distribution, and industrial opportunities of aliens in the State of New Jersey. For this purpose said commission is hereby authorized to send for persons and papers, administer oaths, and to examine witnesses and papers respecting all matters pertaining to this subject and to employ all necessary clerical and other assistance, without expense to the State. Said commission shall make a final report to the governor, including such recommendations for legislation as in its judgment may seem proper.

Commission authorized.

Duty.

Report.

Approved May 2, 1911.

CHAPTER 363.—*Employment of children—Messenger service.*

SECTION 1. No person under the age of twenty-one years in cities of the first class, and no person under the age of eighteen years in other municipalities, shall be employed or permitted to work as a messenger for or by any telegraph, telephone or messenger corporation, firm or person owning, engaged in or operating the business of distributing, transmitting or delivering goods or messages or in the performance of other service, before five o'clock in the morning or after ten o'clock in the evening of any day: *Provided*, That the commissioner of labor shall have the power to grant permits under extraordinary circumstances for the delivery of telegrams or telephone messages between the hours of ten p. m. and five a. m.

Night work prohibited.

SEC. 2. Any such corporation, firm or person engaged in or operating the business of distributing, transmitting or delivering goods

Violations.

or messages as aforesaid, who shall violate any of the provisions of this act, shall be liable to a penalty of one hundred dollars for each offense, to be sued for in an action of debt, for the use of the State as hereinafter provided. Any repetition or repetitions thereof shall each constitute a separate offense.

**Enforcement.** SEC. 3. It shall be the duty of the commissioner of labor and his authorized deputies to enforce the provisions of this act, and to examine and inspect, at reasonable intervals, the business and practice of all telegraph, telephone or messenger corporations, firms and persons owning, engaged in or operating the business of distributing, transmitting or delivering goods or messages or in the performance of other service, for the purpose of enforcing the provisions of this act.

**Proceedings.** SEC. 4. All proceedings brought under the provisions of this act shall be by action of debt, in the name of the commissioner of labor, but for the use of the State, to be instituted in any district court of a city, recorders' courts of cities, or before any justice of the peace having due jurisdiction, \* \* \* the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution or one of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all moneys collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

Approved May 2, 1911.

CHAPTER 368.—*Compensation of workmen for injuries—Continuance of contracts.*

**Contracts remain in force.**

SECTION 1. Every contract of hiring, verbal, written or implied from circumstances, now in operation or made or implied prior to the time limited for the act to which this act is a supplement [ch. 95, Acts of 1911] to take effect, shall, after this act takes effect, be presumed to continue subject to the provisions of section two of the act to which this act is a supplement, unless either party shall, prior to accident, in writing, notify the other party to such contract that the provisions of section two of the act to which this act is a supplement are not intended to apply.

**Proviso.**

Approved May 2, 1911.

CHAPTER 371.—*Payment of wages by railroads—Semimonthly pay day.*

**Times of payment prescribed.**

SECTION 1. 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 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; any such railroad company which shall violate any of the provisions of this act shall forfeit and pay the sum

**Violations.**

of twenty-five dollars 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. 2. 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 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 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.

Contracts  
waiving rights.

Approved June 7, 1911.

JOINT RESOLUTIONS.

No. 6.—*Compensation act—Summary to be posted.*

SECTION 1. One hundred thousand copies of senate bill No. 27 [Workmen's Compensation Act] in the form in which it is finally enacted, in event that the same becomes a law, [shall] be printed in pamphlet form, and ten thousand copies of a synopsis of the provisions thereof be printed on card board and delivered to the commissioner of labor as soon as possible if and after said bill shall become a law.

Act, etc., to  
be printed.

Sec. 2. The commissioner of labor shall be in charge of such printing and shall distribute the pamphlets among the employers of labor and their employees, and to all persons who may desire to receive the same, in such manner as to secure, so far as possible, a complete distribution of such pamphlets among those persons who will be affected by said law. He shall distribute the synopsis of said law among the employers of labor in this State and cause at least one copy thereof to be posted in a conspicuous place in every building where the manufacture of goods of any kind is carried on and distribute the same generally among other employers of labor to be posted for the information of all concerned.

Distribution.

Synopsis to  
be posted.

Approved April 24, 1911.

NEW YORK.

ACTS OF 1911.

CHAPTER 152.—*American Museum of Safety—Incorporation.*

SECTION 1. Philip T. Dodge, \* \* \* [and others.] and such other persons as may hereafter be associated with them, and their successors, are hereby constituted and created a body corporate by the name and title of American Museum of Safety.

Corporation  
created.

Sec. 2. The objects of the corporation hereby created are to study and promote means and methods of safety and sanitation and the application thereof to any and all public or private occupations whatsoever, and of advancing knowledge of kindred subjects; and to that end to establish and maintain a museum, library and laboratories, and their branches wherein all matters, methods and means for improving the general condition of the people as to their safety and health may be studied, tested and promoted, with a view to lessening the number of casualties and avoiding the causes of physical suffering and of premature death; and to disseminate the results of such study, researches and test by lectures, exhibitions and other publications.

Objects.

Office.

SEC. 3. The corporation hereby created shall maintain its principal office in the borough of Manhattan, city, county and State of New York, and it shall be perpetual, and it shall have the general powers and privileges of a corporation as the same are declared in chapter twenty-three of the Consolidated Laws of the State of New York, and said body corporate shall be classed as an educational corporation.

SEC. 6. The commissioner of labor or such State official as may be designated by the governor shall be ex officio a trustee of the corporation hereby created.

Became a law May 19, 1911.

CHAPTER 258.—*Occupational diseases—Reports.*

SECTION 1. Article four of the labor law, entitled "An act relating to labor, constituting chapter thirty-one of the Consolidated Laws," is amended by the addition of a new section numbered fifty-eight, to read as follows:

Physician to  
make report.

SECTION 58. 1. Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury or their compounds, or from anthrax, or from compressed-air illness, contracted as the result of the nature of the patient's employment, shall send to the commissioner of labor a notice stating the name and full postal address and place of employment of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, with such other and further information as may be required by the said commissioner.

2. If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding ten dollars.

Enforcement.

3. It shall be the duty of the commissioner of labor to enforce the provisions of this section, and he may call upon the State and local boards of health for assistance.

Became a law June 6, 1911.

CHAPTER 451.—*State fire marshal—Fire escapes, etc.*

SECTION 1. Chapter thirty-three of \* \* \* chapter twenty-eight of the Consolidated Laws, is hereby amended by inserting therein a new article, to be article ten-a thereof, and to read as follows:

Office cre-  
ated.

SECTION 350. The office of State fire marshal is hereby established. The governor is hereby authorized and empowered to appoint, within thirty days after this act shall take effect, by and with the advice and consent of the senate, a suitable person who shall be a citizen of this State, as State fire marshal, who shall hold the office for a period of five years or until his successor is appointed and qualified. The office of the State fire marshal shall be located in the capitol in the city of Albany. He shall receive an annual salary of seven thousand dollars and shall be paid, in addition, his actual and necessary expenses incurred in the performance of the duties of his office. He shall devote his whole time to the duties of his office. Whenever there shall be a vacancy in the office of State fire marshal, the governor shall fill the vacancy for the unexpired term in the manner provided in this section. The State fire marshal and his deputies shall take and subscribe and file in the office of the secretary of state the constitutional oath within fifteen days from time of notice of their appointment respectively.

Duties of fire  
marshal.

SEC. 351. It shall be the duty of the State fire marshal to enforce all laws and ordinances of the State, and the several counties, cities and political subdivisions thereof, except in cities having over one million inhabitants, as follows:

1. The prevention of fires;
2. The storage, sale or use of combustibles and explosives;

3. The installation and maintenance of automatic or other fire-alarm systems and fire-extinguishing equipment;
4. The inspection of steam boilers;
5. The construction, maintenance and regulation of fire escapes;
6. The means and adequacy of exit, in case of fire, from factories, asylums, hospitals, churches, schools, halls, theaters, amphitheaters and all other places in which numbers of persons work, live, or congregate from time to time for any purpose;
7. The suppression of arson and investigation of the cause, origin and circumstances of fires.

Sec. 352. The State fire marshal shall appoint a first deputy fire marshal, who shall receive an annual salary of five thousand dollars, and a second deputy fire marshal who shall receive an annual salary of three thousand dollars. Each such deputy shall also be paid his actual and necessary expenses incurred in the performance of the duties of his office. The State fire marshal shall also appoint a secretary and such other clerks and assistants as shall be needed in the performance of the duties of his office. In case of the absence of the State fire marshal, or his inability from any cause to discharge the duties of his office, such duties shall devolve upon the first deputy State fire marshal; and in case of the absence of the State fire marshal and the first deputy State fire marshal, or their inability from any cause to discharge the duties and powers of their office, such duties and powers shall devolve upon the second deputy State fire marshal.

Deputies.

Sec. 353. All municipal fire marshals in those municipalities having such officers, and, where no such officer exists, the chief of the fire department of every incorporated city or village in which a fire department is established, the president or like senior officer of each incorporated village in which no fire department exists, and the clerk of each organized town without the limits of any incorporated village or city, shall be, by virtue of such office so held by them, assistants to the State fire marshal and subject to the duties and obligations imposed by this article and shall be subject to the directions of the State fire marshal in the execution of the provisions hereof.

Municipal  
fire marshals,  
where.

Immediately upon taking office the State fire marshal shall prepare instructions to the assistants designated herein and forms for their use in the reports required by this article and cause them to be printed and sent, together with a copy of this article, to each such officer located in this State.

Instructions.

Sec. 355. The State fire marshal, his deputies or assistants, upon the complaint of any person or whenever he or they shall deem it necessary shall inspect all buildings and premises within their jurisdiction. Whenever any of said officers shall find any building or other structure which, for want of repairs, lack of or insufficient fire escapes, automatic or other fire-alarm apparatus or fire-extinguishing equipment, or by reason of age or dilapidated condition or for any other cause, is especially liable to fire and which is so situated as to endanger other property, and whenever such officer shall find in any building combustible or explosive matter or inflammable conditions dangerous to the safety of such buildings he or they shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings. If such order is made by any deputy or assistant to the State fire marshal such owner or occupant may, within twenty-four hours, appeal to the State fire marshal, who shall, within ten days, review such order and file his decision thereon, and unless by his authority the order is revoked or modified it shall remain in full force and be obeyed by such owner or occupant.

Inspection of  
buildings.

Any owner or occupant failing to comply with such order within ten days after said appeal shall have been determined, or, if no appeal is taken, then within ten days after the service of the said order, shall be liable to a penalty of fifty dollars for each day's neglect thereafter. The service of any such order shall be made upon the occupant of the premises to whom it is directed by either

Orders to be  
complied with.

delivering a true copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises; whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a true copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post-office address.

The penalty herein provided may be recovered in an action brought in any court of the county where such property is located, in the name of the people of the State, under the direction of the State fire marshal or any of his assistants herein designated, by the legally constituted law officer of the city, village or town where such property is located or by an attorney specially designated therefor by the attorney general.

The State fire marshal shall also cause to be inspected all boilers in buildings and all other places where same are used for the generation of steam, except where a certificate has been filed certifying that such boilers have been inspected by a duly authorized insurance company. A fee of five dollars shall be charged the owner or lessee of each boiler inspected by the inspector of the office of the State fire marshal.

Law applies,  
where.

SEC. 2. This act shall not apply to cities having more than one million inhabitants, which maintains a municipal fire marshal except that such municipal fire marshal shall prepare and forward such reports as to fires, et cetera, which the State fire marshal may require.

Became a law June 26, 1911.

#### CHAPTER 532.—*Exemption of wages from execution.*

SECTION 1. Section thirteen hundred and ninety-one of the Code of Civil Procedure is hereby amended to read as follows:

On what ex-  
ecution may is-  
sue.

Section 1391. \* \* \* Where a judgment has been recovered and where an execution issued upon said judgment has been returned wholly or partly unsatisfied, and where any wages, debts, earnings, salary, income from trust funds or profits are due and owing to the judgment debtor or shall thereafter become due and owing to him, to the amount of twelve dollars or more per week, the judgment creditor may apply to the court in which said judgment was recovered or the court having jurisdiction of the same without notice to the judgment debtor and upon satisfactory proof of such facts by affidavits or otherwise, the court, if a court not of record, a judge or justice thereof, must issue, or if a court of record, a judge or justice, must grant an order directing that an execution issue against the wages, debts, earnings, salary, income from trust funds or profits of said judgment debtor, and on presentation of such execution by the officer to whom delivered for collection to the person or persons from whom such wages, debts, earnings, salary, income from trust funds or profits are due and owing, or may thereafter become due and owing to the judgment debtor, said execution shall become a lien and a continuing levy upon the wages, earnings, debts, salary, income from trust funds or profits due or to become due to said judgment debtor to the amount specified therein which shall not exceed ten per centum thereof, and said levy shall be a continuing levy until said execution and the expenses thereof are fully satisfied and paid or until modified as hereinafter provided, but only one execution against the wages, debts, earnings, salary, income from trust funds or profits of said judgment debtor shall be satisfied at one time and where more than one execution has been issued or shall be issued pursuant to the provisions of this section against the same judgment debtor, they shall be satisfied in the order of priority in which such executions are presented to the person or persons from

Order of sat-  
isfaction.

whom such wages, debts, earnings, salary, income from trust funds or profits are due and owing. It shall be the duty of any person or corporation, municipal or otherwise, to whom said execution shall be presented, and who shall at such time be indebted to the judgment debtor named in such execution, or who shall become indebted to such judgment debtor in the future, and while said execution shall remain a lien upon said indebtedness to pay over to the officer presenting the same, such amount of such indebtedness as such execution shall prescribe until said execution shall be wholly satisfied and such payment shall be a bar to any action therefor by any such judgment debtor. If such person or corporation, municipal or otherwise, to whom said execution shall be presented shall fail, or refuse to pay over to said officer presenting said execution, the percentage of said indebtedness, he shall be liable to an action therefor by the judgment creditor named in such execution, and the amount so recovered by such judgment creditor shall be applied towards the payment of said execution. Either party may apply at any time to the court from which such execution shall issue, or to any judge or justice issuing the same, or to the county judge of the county, and in any county where there is no county judge, to any justice of the city court upon such notice to the other party as such court, judge, or justice shall direct for a modification of said execution, and upon such hearing the said court, judge or justice may make such modification of said execution as shall be deemed just, and such execution as so modified shall continue in full force and effect until fully paid and satisfied, or until further modified as herein provided. This section, so far as it relates to wages and salary, due and owing or to become due and owing to the judgment debtor, shall not apply to judgments recovered more than ten years prior to September first, nineteen hundred and eight, and any execution heretofore issued upon such judgments pursuant to an order heretofore granted under this section shall, when this act takes effect, cease to be a lien and continuing levy upon wages and salary thereafter to become due and owing to the judgment debtor.

Modification  
of execution.

Became a law June 29, 1911.

CHAPTER 561.—*Investigation of conditions of labor in factories.*

SECTION 1. A commission of nine members is hereby created consisting of two senators to be appointed by the president of the senate, three members of the assembly to be appointed by the speaker of the assembly, and four other members to be appointed by the governor. Such commission shall investigate as speedily as possible the existing conditions under which manufacture is carried on in so-called loft buildings and otherwise in the cities of the first and second class in the State, including in such investigation matters affecting the health and safety of operatives as well as the security and best interests of the public, the character of the buildings and structures in which such manufacture or other business takes place, and the laws and ordinances now regulating their erection, maintenance and supervision, to the end, among other things, that such remedial legislation may be enacted as will eliminate existing peril to the life and health of operatives and other occupants in existing or new structures, and to promote the best interests of the community. Such commission shall also have power to inquire into the conditions under which manufacture takes place in other cities of this State and country, and elsewhere, if it shall so determine.

Commission  
created.

Duties.

SEC. 2. The commission shall have power to elect its chairman and other officers, to compel the attendance of witnesses and the production of books and papers; to employ counsel, a secretary, stenographers and all necessary clerical assistants; and shall otherwise have all the powers of a legislative committee as provided by the legislative law, including the adoption of rules for

Powers.

the conduct of its proceedings. The members of such commission shall receive no compensation for their services, but shall be entitled to their actual and necessary expenses incurred in the performance of their duties.

**Report.** SEC. 3. Such commission shall make a report of its proceedings, together with its recommendations, to the legislature on or before the fifteenth day of February, nineteen hundred and twelve.

**Expenses.** SEC. 4. The sum of ten thousand dollars (\$10,000), or so much thereof as may be needed, is hereby appropriated for the actual and necessary expenses of the commission in carrying out the provisions of this act, payable by the treasurer on the warrant of the comptroller, on the order of the chairman of such commission. The commission may also receive and expend for the purposes of this act any money contributed by voluntary subscription.

Became a law June 30, 1911.

CHAPTER 565.—*Commissioner of labor—Industrial directory.*

SECTION 1. Article three of \* \* \* chapter thirty-one of the Consolidated Laws, is hereby amended by adding at the end thereof a new section, to be section forty-nine, to read as follows:

**Annual directory.**

**Contents.**

Section 49. The commissioner of labor shall prepare annually an industrial directory for all cities and villages having a population of one thousand or more according to the last preceding Federal census or State enumeration. Such directory shall contain information regarding opportunities and advantages for manufacturing in every such city or village, the factories established therein, hours of labor, housing conditions, railroad and water connections, water power, natural resources, wages and such other data regarding social, economic and industrial conditions as in the judgment of the commissioner would be of value to prospective manufacturers, and their employees. If a city is divided into boroughs the directory shall contain such information as to each borough.

Became a law June 30, 1911.

CHAPTER 575.—*Employment of labor—False representations.*

SECTION 1. Article eighty-six of \* \* \* chapter forty of the Consolidated Laws, is hereby amended by the addition thereto of a section to be known as section nine hundred and fifty, as follows:

**False statements a misdemeanor.**

Section 950. Any person, firm, association or corporation, or any employee or agent thereof, who makes to any person furnishing or seeking employment any statement which is false, knowing the same to be false, in regard to any employment, work or situation, its nature, location, duration, wages, or salary attached thereto, or the circumstances surrounding the said employment, work, or situation, or who shall offer or hold himself out as in a position to secure or furnish employment without having an order therefor or such employment to be filled or shall misrepresent any other material matter in connection with said employment, work, or situation, and by reason of such statement, offer, holding out or misrepresentation, any person shall seek the employment, work or situation, in respect to which such statement, offer, holding out or misrepresentation was made, shall be guilty of a misdemeanor.

Became a law June 30, 1911.

CHAPTER 625.—*Kidnapping.*

SECTION 1. Section one thousand two hundred and fifty of \* \* \* chapter forty of the Consolidated Laws, as amended by chapter two hundred and forty-six of the laws of nineteen hundred and nine, is hereby amended to read as follows:

Section 1250. A person who willfully:

1. Seizes, confines, inveigles, or kidnaps another, with intent to cause him, without authority of law, to be secretly confined or imprisoned within this State, or to be sent out of the State, or to be sold as a slave, or in any way held to service or kept or detained, against his will; \* \* \*

Kidnapping defined.

Is guilty of kidnapping, which is a felony and is punishable, if a parent of the person kidnapped, by imprisonment for not more than ten years, and, if a person other than a parent of the person kidnapped, by imprisonment for not less than ten years nor more than fifty years.

Penalty.

Became a law July 8, 1911.

CHAPTER 626.—*Assignments of wages—Wage brokers.*

SECTION 1. Section forty-two of \* \* \* chapter forty-one of the Consolidated Laws, is hereby amended to read as follows:

Section 42. 1. Any person or persons, firm, corporation or company, who shall after the passage of this act, make to any employee an advance of money, or loan, on account of salary or wages due or to be earned in the future by such individual, upon an assignment or note covering such loans or advances, shall not acquire any right to collect or attach the same while in the possession or control of the employer, unless such note or assignment is dated on the same day on which such loan is actually made, and unless within a period of three days after such loan and assignment or note are actually made the party making such loan or loans and taking such assignment or notes shall have filed with the employer or employers of the individual or individuals so assigning his present or prospective salary or wages, a duly authenticated copy of such agreement or assignment or notes under which the claim is made. The day of making a loan or advance within the meaning of this act shall be deemed to be the day when the money is delivered to the borrower, and the subsequent execution of an instrument by virtue of a power of attorney shall not be deemed to affect the time of the actual making of such loan or advance.

Provisions required.

2. No action shall be maintained in any of the courts of this State, brought by the holder of any such contract, assignment or notes, given by an employee for moneys loaned on account of salary or wages, in which it is sought to charge in any manner the employer or employers, unless a copy of such agreement, assignment or notes, together with a notice of lien, was duly filed with the employer or employers of the person making such agreement, assignment or notes, by the person or persons, corporation or company making said loan within three days after the said loan was actually made and the said agreement, assignment or notes were given as provided in the previous section.

Copy filed with employer.

3. Every person, firm or corporation engaged in or seeking to engage in the business of loaning money upon security of an assignment of salary or wages either earned or to be earned shall, on or before the first day of July next ensuing the passage of this act, file with the clerk of the county in which said person, firm or corporation has its place of business or transacts business a statement under oath containing the name and residence of the individual; or in case of a firm, the names and residences of the partners; or in the case of a corporation, the names and residences of the officers and directors, managers or trustees of such corporation; and the place or places where said business is transacted by such an individual, firm or corporation. After July the first next ensuing the passage of this act it shall be unlawful to engage in the business of loaning money in the manner set forth in this act without, prior to engaging in such business, filing a statement as provided in this act.

Registration.

Index.

4. The several county clerks of this State shall keep an alphabetical index of all persons, firms or corporations filing certificates provided for herein, and for the indexing and filing of such certificates, they shall receive a fee of twenty-five cents. A copy of such certificate, duly certified to by the county clerk in whose office the same was filed, shall be presumptive evidence in all courts of law in this State of the facts therein contained.

Rate of interest.

5. After the passage of this act, no person shall directly or indirectly receive or accept for the use and sale of his personal credit or for making any advance or loan of money, either wholly or partly in anticipation of salary or wages due or to be earned, a greater sum than at the rate of eighteen per centum per annum on the amount of such loan or advance, either as a bonus, interest or otherwise, or under the guise of a charge for investigating the status of a person applying for such loan or advance, drawing of papers or other service in connection with such loan or advance, except such charges as are now permitted by section three hundred and eighty of chapter twenty-five of the laws of nineteen hundred and nine, known as the "General Business Law" [not more than fifty cents for procuring a loan of one hundred dollars, nor more than thirty-eight cents for renewing a note or other security for such loans].

Violations.

6. Every person, firm, corporation, director, agent, officer or member thereof who shall violate any provision of this act, directly or indirectly, or assent to such violation, shall be guilty of a misdemeanor.

Became a law July 8, 1911.

CHAPTER 630.—Hours of labor of employees in drug stores.

SECTION 1. Section two hundred and thirty-six of \* \* \* chapter forty-five of the Consolidated Laws, as amended by chapter four hundred and twenty-two of the Laws of nineteen hundred and ten, is hereby amended to read as follows:

Seventy hours per week.

Section 236. No apprentice or employee in any pharmacy or drug store shall be required or permitted to work more than seventy hours a week. Nothing in this section prohibits working six hours overtime any week for the purpose of making a shorter succeeding week: *Provided, however,* That the aggregate number of hours in any such two weeks shall not exceed one hundred and thirty-two hours. The hours shall be so arranged that an employee shall be entitled to and shall receive at least one full day off in two consecutive weeks. No proprietor of any pharmacy or drug store shall require any clerk to sleep in any room or apartment in or connected with such store that does not comply with the sanitary regulations of the local board of health.

Day off.

Sleeping rooms.

SEC. 2. Subdivision nine of section two hundred and forty of such chapter, as amended by chapter four hundred and twenty-two of the laws of nineteen hundred and ten, is hereby amended to read as follows:

Violations.

9. Any proprietor of a pharmacy or drug store to require more than seventy working hours a week in other arrangement than that permitted by section two hundred and thirty-six; and for any proprietor of a pharmacy or drug store to violate the provisions of the same section in regard to sleeping apartments.

Became a law July 10, 1911.

CHAPTER 637.—Regulation of bakeries, etc.

SECTION 2. Sections one hundred and eleven, one hundred and twelve, one hundred and thirteen and one hundred and fourteen of \* \* \* chapter thirty-one of the Consolidated Laws, are hereby amended to read as follows:

Scope of law.

Section 111. All buildings or rooms, except kitchens in hotels and private residences, used or occupied for the purpose of making, preparing or baking bread, biscuits, pastry, cakes, dough-

nuts, crullers, noodles, macaroni or spaghetti, to be sold or consumed on or off the premises, shall for the purpose of this act be deemed bakeries. The commissioner of labor shall have the same powers with respect to the machinery, safety devices and sanitary conditions in hotel bakeries that he has with respect thereto in bakeries as defined by this chapter. The term cellar when used in this article shall mean a room or part of a building which is more than one-half its height below the level of the curb or ground adjoining the building (excluding area ways). The term owner as used in this article shall be construed to mean the owner or owners of the freehold of the premises, or the lessee or joint lessees of the whole thereof, or his, her or their agent in charge of the property. The term occupier shall be construed to mean the person, firm or corporation in actual possession of the premises, who either himself makes, prepares or bakes any of the articles mentioned in this section, or hires or employes others to do it for him. Bakeries are factories within the meaning of this chapter, and subject to all the provisions of article six hereof.

Definitions.

Sec. 112. All bakeries shall be provided with proper and sufficient drainage and with suitable sinks, supplied with clean running water, for the purpose of washing and keeping clean the utensils and apparatus used therein. All bakeries shall be provided with windows, or if deemed necessary by the commissioner of labor, with ventilating hoods and pipes over ovens and ash pits, or with other mechanical means, to so ventilate same as to render harmless to the persons working therein, any steam, gases, vapors, dust, excessive heat or any impurities that may be generated or released by or in the process of making, preparing or baking in said bakeries. Every bakery shall be at least eight feet in height measured from the surface of the finished floor to the under side of the ceiling, and shall have a flooring of even, smooth cement, or of tiles laid in cement, or a wooden floor, so laid and constructed as to be free from cracks, holes and interstices, except that any cellar or basement less than eight feet in height which was used for a bakery on the second day of May, eighteen hundred and ninety-five, need not be altered to conform to this provision with respect to height; the side walls and ceiling shall be either plastered, ceiled or wainscoted. The furniture, troughs and utensils shall be so arranged and constructed as not to prevent their cleaning or the cleaning of every part of the bakery. Every bakery shall be provided with a sufficient number of water-closets, and such water-closets shall be separate and apart from and unconnected with the bake room or rooms where food products are stored or sold.

Sanitation and construction.

Sec. 113. All floors, walls, stairs, shelves, furniture, utensils, yards, area ways, plumbing, drains and sewers, in or in connection with bakeries in bakery water-closets and wash rooms, in rooms where raw materials are stored, and in rooms where the manufactured product is stored, shall at all times be kept in good repair, and maintained in a clean and sanitary condition, free from all kinds of vermin. All interior woodwork, walls and ceilings shall be painted or limewashed once every three months, where so required by the commissioner of labor. Proper sanitary receptacles shall be provided and used for storing coal, ashes, refuse and garbage. Receptacles for refuse and garbage shall have their contents removed from bakeries daily and shall be maintained in a cleanly and sanitary condition at all times; the use of tobacco in any form in a bakery or room where raw materials or manufactured product of such bakery is stored is prohibited. No person shall sleep, or be permitted, allowed or suffered to sleep in a bakery, in a room where raw materials are stored, or in rooms where the manufactured product is stored or sold, and no domestic animals or birds, except cats, shall be allowed to remain in any such rooms.

Maintenance.

Refuse.

Use of tobacco. Sleeping, etc.

Sec. 114. It shall be the duty of the owner of a building wherein a bakery is located to comply with all the provisions of section one hundred and twelve of this article, and of the occupier to

Inspection.

comply with all the provisions of section one hundred and thirteen of this article, unless by the terms of a valid lease the responsibility for compliance therewith has been undertaken by the other party to the lease, and a duplicate original lease, containing such obligation, shall have been previously filed in the office of the commissioner of labor, in which event the party assuming the responsibility shall be responsible for such compliance. The commissioner of labor may, in his discretion, apply any or all of the provisions of this article to a factory located in a cellar wherein any food product is manufactured: *Provided*, That basements or cellars used as confectionery or ice cream manufacturing shops shall not be required to conform to the requirement as to height of rooms. Such establishments shall be not less than seven feet in height, except that any cellar or basement so used before October first, nineteen hundred and six, which is more than six feet in height need not be altered to conform to this provision. If on inspection the commissioner of labor find a bakery or any part thereof to be so unclean, ill drained or ill ventilated as to be unsanitary, he may, after not less than forty-eight hours' notice in writing, to be served by affixing the notice on the inside of the main entrance door of said bakery, order the person found in charge thereof immediately to cease operating it until it shall be properly cleaned, drained or ventilated. If such bakery be thereupon continued in operation or be thereafter operated before it be properly cleaned, drained or ventilated, the commissioner of labor may, after first making and filing in the public records of his office a written order stating the reasons therefor, at once and without further notice fasten up and seal the oven or other cooking apparatus of said bakery, and affix to all materials, receptacles, tools and instruments found therein, labels or conspicuous signs bearing the word "unclean." No one but the commissioner of labor shall remove any such seal, label or sign, and he may refuse to remove it until such bakery be properly cleaned, drained or ventilated.

Closing bakery.

Became a law July 10, 1911.

#### CHAPTER 669.—*Retirement of employees of city of New York.*

SECTION 1. Chapter six, title one-a, sections one hundred and sixty-five, one hundred and sixty-six and one hundred and sixty-seven of the Greater New York charter, as reenacted by chapter four hundred and sixty-six of the Laws of nineteen hundred and one, are hereby amended to read as follows:

Who may recommend retirement.

Eligibles.

Section 165. Any member of the board of estimate and apportionment is hereby authorized, whenever in his judgment it shall be to the interest of the public service, to recommend to said board the retirement from active service of any officer, clerk or employee who shall have been in the employ of the city of New York or of any of the municipalities, counties or parts thereof which have been incorporated into the city of New York for a period of thirty years and upwards and who shall have become physically or mentally incapacitated for the further performances of the duties of his position. The term of service, however, shall not be affected by any change in title, duty or salary or by any promotion or by any vacation or leave of absence or by any temporary disability by reason of sickness or accident or by any transfer from one department or office to another department or office during the period of service, or by any change of any of the boards, bureaus or departments in which service shall have been performed from an office paid by fees to a salaried office. But this section shall not apply to any person who is, or may be, entitled to share in the police pension fund, or in the fire-department relief fund, or in the public-school teachers' retirement fund, or in the health-department pension fund, or in the retirement fund of the College of the City of New York.

Sec. 166. The board of estimate and apportionment is hereby authorized and empowered to retire from active service any person recommended for retirement as provided by section one hundred and sixty-five of this act. Reasonable notice of its proposed action shall be given by said board to any person intended to be retired and an opportunity of making an explanation shall be given to such person. The board shall state its reasons for retiring any such person and that the interests of the public service requires such retirement. Who may retire eligibles.

Sec. 167. Any person retired from active service pursuant to sections one hundred and sixty-five and one hundred and sixty-six of this act shall be awarded and granted by the board of estimate and apportionment an annual sum or annuity to be fixed by said board not exceeding, however, one-half of the amount which his annual salary or compensation averages for the period of three years immediately prior to the time of his retirement. The comptroller shall pay the annuities granted in monthly installments out of the receipts of excise moneys or liquor taxes belonging to the city of New York as constituted by this act. Such payments to continue during the lifetime of the person or persons so retired. Annuities.

Became a law July 18, 1911.

CHAPTER 693.—*Protection of employees on buildings.*

[This chapter amends sections 18 and 20 of chapter 31, Consolidated Laws, (p. 2092, Birdseye's Rev. Stat., 3d ed.). Section 18 is amended so as to read as follows:]

Section 18. A person employing or directing another to perform labor of any kind in the erection, repairing, altering or painting of a house, building or structure shall not furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders or other mechanical contrivances which are unsafe, unsuitable or improper, and which are not so constructed, placed and operated as to give proper protection to the life and limb of a person so employed or engaged. Scaffolding required.

Scaffolding or staging swung or suspended from an overhead support, or erected with stationary supports, more than twenty feet from the ground or floor, except scaffolding wholly within the interior of a building and which covers the entire floor space of any room therein, shall have a safety rail of suitable material, properly bolted, secured and braced, rising at least thirty-four inches above the floor or main portions of such scaffolding or staging and extending along the entire length of the outside and the ends thereof, with such openings as may be necessary for the delivery of materials, and properly attached thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

[Section 20 is amended by adding a provision authorizing the commissioner of labor to enforce the provisions of sections 18 and 19, as well as of section 20, and giving like authority to the chief officer in any city charged with the enforcement of the building regulations of the city.] Enforcement.

Became a law July 18, 1911.

CHAPTER 729.—*Department of labor.*

[This chapter amends various sections of chapter 31 of the Consolidated Laws affecting the organization of the department of labor. Sections 40 and 41 relate to the salaries of the commissioner and the two deputy commissioners, that of the former being increased to \$5,500 per annum, instead of \$5,000, while one deputy is to receive \$4,000 and the other \$3,500. Salaries.

Section 45 is amended by authorizing the commissioner to maintain a suboffice in any city, in his discretion, instead of in cities of the first class only. Suboffice.

Factory in- Section 60 is amended so as to make the first deputy commis-  
 spector. sioner of labor chief factory inspector.

Sections 61 and 62 are amended so as to read as follows:]

Inspectors. Section 61. The commissioner of labor may appoint from time to time not more than eighty-five persons as factory inspectors, not more than fifteen of whom shall be women, and who may be removed by him at any time. The factory inspectors may be divided into five grades, but not more than thirty shall be of the third grade, and not more than eight shall be of the fourth grade and not more than one shall be of the fifth grade. Each inspector of the first grade shall receive an annual salary of one thousand dollars, each of the second grade an annual salary of one thousand two hundred dollars and each of the third grade an annual salary of one thousand five hundred dollars. There shall be after October first, nineteen hundred and eleven, no further appointments in the first grade and no vacancies in the first grade shall be filled. There may be at any time not to exceed fifty persons in the second grade. Each inspector of the fourth grade shall receive an annual salary of two thousand five hundred dollars. Each inspector of the fifth grade shall receive an annual salary of three thousand five hundred dollars. Each inspector of the fifth grade shall be a mechanical engineer.

Sec. 2. Subdivisions one and three of section sixty-two of such chapter are hereby amended to read, respectively, as follows:

Districts. 1. The commissioner of labor shall from time to time divide the State into districts, assign one factory inspector of the fourth grade to each district as supervising inspector, and may in his discretion transfer them from one district to another; he may assign any factory inspector to inspect any special class or classes of factories or to force any special provisions of this chapter; and he may assign any one or more of them to act as clerks in any office of the department.

Powers. 3. The commissioner of labor, the first deputy commissioner of labor and his assistant or assistants and every factory inspector may in the discharge of his duties enter any place, building or room where and when any labor is being performed which is affected by the provisions of this chapter and may enter any factory whenever he may have reasonable cause to believe that any such labor is being performed therein.

Became a law July 20, 1911.

#### CHAPTER 845.—*Immigrant lodging houses.*

SECTION 1. Article ten-a of \* \* \* chapter thirty-one of the Consolidated Laws, is hereby amended by adding thereto a new section, to be known as section one hundred and fifty-six-a, which shall read as follows:

License re- Section 156-a. 1. No person shall hereafter, directly or indirectly,  
 quired. own, conduct or keep an immigrant lodging place without having first obtained from the commissioner of labor a license therefor.

Application. Before receiving such license the applicant therefor shall file with the commissioner of labor, in such form as he may prescribe, a statement verified by such applicant, or if said applicant is a corporation, by one of its officers, designating the location of the immigrant lodging place for which a license shall be requested, and specifying the number of boarders or lodgers received by said applicant at any one time during the year preceding such application at the place for which a license is sought, or if no business shall have previously been conducted at said place the maximum number of boarders or lodgers which it will accommodate. With such application there shall be presented to the commissioner of labor proof of the good moral character of the applicant, and in case such applicant is a corporation, of its officers, and in addition thereto a bond to the people of the State of New York, with two or more sureties or of a surety company approved by the commissioner of labor, conditioned that the obligor shall obey all laws,

Bond.

rules and regulations applicable to such immigrant lodging place prescribed by any lawful authority, and that such obligor shall discharge all obligations and pay all damages, loss and injuries which shall accrue to any person or persons dealing with such licensee, by reason of any contract or other obligation of such licensee or resulting from any fraud or deceit, conversion of property, oppression, excessive charges, or other wrongful act of said licensee or of his servants or agents in connection with the business so licensed. Where the number of boarders or lodgers specified in said application shall not exceed ten persons the penalty of said bond shall be one hundred dollars, where it shall be more than ten and less than fifty persons it shall be two hundred and fifty dollars, and where the number shall be more than fifty it shall be five hundred dollars. Any person aggrieved may bring an action for the enforcement of such bond in any court of competent jurisdiction. On the approval of the application for said license and of the bond filed therewith the commissioner of labor shall issue a license authorizing the applicant to own, conduct and manage an immigrant lodging place at the place designated in the application and to be specified in the license certificate. For such license the applicant shall pay to the commissioner of labor a fee of five dollars where the number of boarders or lodgers stated in the application does not exceed ten, a fee of ten dollars where such number exceeds ten and does not exceed fifty, and a fee of twenty-five dollars where such number exceeds fifty. Such license shall not be transferable without the consent of the commissioner of labor, nor authorize the conduct of an immigrant lodging place on any other premises than those described in the application. Such license shall be renewable annually on the payment of a fee based on the maximum number of boarders and lodgers received by the licensee at the place licensed during the preceding year. The commissioner of labor shall keep a book or books in which the licenses granted and the bonds filed shall be entered in alphabetical order, together with a statement of the date of the issuance of the license, the name or names of the principals, the place where the business licensed is to be transacted, the names of the sureties upon the bond filed and the amount of the license fee paid by the licensee.

Fee

2. Every licensee shall keep conspicuously posted in the public rooms and in each bedroom of the place licensed a statement printed in the English language and in the language understood by the majority of the patrons of said place, specifying the rate of charges by the day and week for lodging, for meals supplied, for the transportation of passengers and baggage, the services of guides, and other service rendered to such patrons. No sum shall be charged or received by or for the licensee in excess of such posted rates for any service rendered, and payment shall not be enforceable for any charge in excess of such rates. A copy of the rates so posted shall be filed by the licensee with the commissioner of labor, and no increased rate shall be charged or received until a revised schedule showing such increase shall have been filed with the commissioner of labor. Every such licensee shall likewise file with the commissioner of labor a list specifying the names and addresses of every person employed by such licensee as a runner, guide or other employee, and showing whether such person is employed at a salary or on commission.

What to be posted.

3. A license granted hereunder shall be revocable by the commissioner of labor on notice to the licensee and for cause shown.

Revocation of license.

4. The term immigrant lodging place as used in this section includes any place, boarding house, lodging house, inn or hotel where principally immigrants or emigrants while in transit, or aliens are received, lodged, boarded or harbored, which shall not include any place maintained or conducted by a charitable, philanthropic or religious society, association or corporation. Nothing contained herein shall be held to apply to temporary sleeping quarters in labor or construction camps.

Definition.

**Violations.** 5. Any person or any officer of a corporation owning, conducting or managing an immigrant lodging place without having obtained from the commissioner of labor a license therefor, or who shall carry on such business after the revocation of a license to carry on such business, or who shall violate any of the provisions of this section, shall be guilty of a misdemeanor.

**Use of fees.** 6. The license fees collected hereunder shall be paid to the comptroller and shall constitute a fund to be used in the joint discretion of the comptroller and commissioner of labor for the expenses necessary for carrying out the provisions of this section. Became a law July 28, 1911.

CHAPTER 866.—*Employment of children in mercantile establishments.*

SECTION 1. Sections one hundred and sixty-one, one hundred and sixty-two and one hundred and sixty-eight of \* \* \* chapter thirty-one of the Consolidated Laws, as amended, are hereby amended to read as follows:

**Hours of labor.** Section 161. No child under the age of sixteen years shall be employed, permitted or suffered to work in or in connection with any mercantile establishment, business office, or telegraph office, restaurant, hotel, apartment house, theater or other place of amusement, bowling alley, barber shop, shoe-polishing establishment, or in the distribution or transmission of merchandise, articles or messages, or in the distribution or sale of articles more than six days or fifty-four hours in any one week, or more than nine hours in any one day, or before eight o'clock in the morning or after seven o'clock in the evening of any day. The foregoing provision shall not apply to any employment prohibited or regulated by section four hundred and eighty-five of the penal law. No female employee between sixteen and twenty-one years of age shall be required, permitted or suffered to work in or in connection with any mercantile establishment more than sixty hours in any one week; or more than ten hours in any one day, unless for the purpose of making a shorter work day of some one day of the week; or before seven o'clock in the morning or after ten o'clock in the evening of any day. This section does not apply to the employment of persons sixteen years of age or upward between the eighteenth day of December and the following twenty-fourth day of December, both inclusive. Not less than forty-five minutes shall be allowed for the noonday meal of the employees of any such establishment. Whenever any employee is employed or permitted to work after seven o'clock in the evening, such employee shall be allowed at least twenty minutes to obtain lunch or supper between five and seven o'clock in the evening.

**Night work.**

**Females.**

**Night work.**

**Lunch time.**

**Age limits.** Sec. 162. No child under the age of fourteen years shall be employed or permitted to work in or in connection with any mercantile or other business or establishment specified in the preceding section. No child under the age of sixteen years shall be so employed or permitted to work unless an employment certificate, issued as provided in this article, shall have been theretofore filed in the office of the employer at the place of employment of such child.

**Certificates.**

**Wash rooms, etc.** Sec. 163. Suitable and proper wash rooms and water-closets shall be provided in, adjacent to or connected with mercantile establishments. Such rooms and closets shall be so located and arranged as to be easily accessible to the employees of such establishments.

Such water-closets shall be properly screened and ventilated, and, at all times, kept in a clean condition. The water-closets assigned to the female employees of such establishments shall be separate from those assigned to the male employees.

If a mercantile establishment has not provided wash rooms and water-closets, as required by this section, the board or department of health or health commissioners of the town, village or

city where such establishment is situated, unless such establishment is situated in a city of the first class, in which case the commissioner of labor shall cause to be served upon the owner, agent or lessee of the building occupied by such establishment a written notice of the omission and directing such owner, agent or lessee to comply with the provisions of this section respecting such wash rooms and water-closets.

Such owner shall, within fifteen days after the receipt of such notice, cause such wash rooms and water-closets to be provided.

SEC. 2. Section one hundred and sixty-six of \* \* \* chapter thirty-one of the Consolidated Laws [relating to vacation employment] is hereby repealed. Vacation employment.

Became a law July 29, 1911.

**NORTH CAROLINA.**

**ACTS OF 1911.**

**CHAPTER 57.—Factory regulations—Provisions for accidents.**

SECTION 1. Every person, firm, or corporation operating a factory or shop employing over twenty-five laborers, in which machinery is used for any manufacturing purpose, or for any purpose except for elevation or for heating or hoisting apparatus, shall at all times keep and maintain free of expense to the employees a medical or surgical chest which shall contain two porcelain pans, two tourniquets, gauze, absorbent cotton, adhesive plasters, bandages, antiseptic soap, one bottle of carbolic acid with directions on bottle, one bottle antiseptic tablets, one pair of scissors, one folding stretcher, all of which shall not cost to exceed ten dollars, for the treatment of persons injured or taken ill upon the premises. Medical, etc., supplies required.

SEC. 2. Any person, firm or corporation violating this act shall be subject to a fine of not less than five dollars or more than twenty-five dollars for every week during which such violation continues. Violations.

Ratified this the 1st day of March, A. D. 1911.

**CHAPTER 85.—Employment of children—Hours of labor.**

[This chapter amends section 2 of chapter 463, Acts of 1907, by fixing the hours of labor in factories at 60 per week instead of 66, and making this the maximum for persons under 18 years of age]. Sixty hours per week.

Ratified this the 4th day of March, A. D. 1911.

**CHAPTER 112.—Hours of labor of employees on railroads.**

SECTION 2. It shall be unlawful for any common carrier, its officers or agents, subject to this act, to require or permit any employee, subject to this act, to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty: *Provided*, That no operator, train dispatcher, or other employee who by the use of the telegraph or telephone dispatches reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than thirteen hours in Sixteen-hour day. Eight hours' rest. Nine-hour day.

all towers, offices, places, and stations operated only during the daytime, except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period on not exceeding three days in any week: *Provided further*, The corporation commission may, after full hearing in a particular case and for good cause shown, extend the period within which a common carrier shall comply with the provisions of this proviso as to such case.

- Violations.** **Sec. 3.** Any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of the second section hereof shall be liable to a penalty of not to exceed five hundred dollars for each and every violation, to be recovered in suit or suits to be brought in the name of the State of North Carolina on relation of the corporation commission in the superior court of Wake County or of the county in which the violation of this act occurred; and it shall be the duty of the said corporation commission to bring such suits upon satisfactory information lodged with it; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall be the duty of the said corporation commission to lodge with the proper solicitors information of any such violations as may come to its knowledge. In all prosecutions under this act the common carrier shall be deemed to have had knowledge of all acts of all its officers and agents: *Provided*, That the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen: *Provided further*, That the provisions of this act shall not apply to the crews of wrecking or relief trains: *Provided further*, This act shall not be construed to impose a penalty upon any common carrier for any act done in violation of the act of Congress, ratified March the fourth, one thousand nine hundred and seven, and entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," or any acts amendatory thereof.
- Provisos.**
- Enforcement.** **Sec. 4.** It shall be the duty of the corporation commission to execute and enforce the provisions of this act, and all powers granted to the corporation commission are hereby extended to it in the execution of this act.

Ratified this the 6th day of March, A. D. 1911.

CHAPTER 183.—*Mine regulations—Hoisting workmen.*

- Number.** [This chapter amends section 4935, Revisal of 1905, by allowing 6 workmen to be hoisted at one time, instead of but 2 as formerly.]  
Ratified this the 8th day of March, A. D. 1911.

CHAPTER 209.—*Accident insurance.*

- Provisions of policy.** **SECTION 1.** On and after the first day of October, one thousand nine hundred and eleven, no policy of insurance against loss or damage from diseases, or by bodily injury by accident, or both, of the assured shall be issued or delivered in this State by any corporation authorized to do business in this State.  
\* \* \* unless it contains in substance the following provisions:

- Change of occupation.** 6. A provision that, if the insured is injured or contracts disease after having changed his occupation to one classified by the corporation as more hazardous than that stated in the policy, or while he is doing any act or thing pertaining to any occupation so classified (except ordinary duties about his residence or while engaged in recreation), the corporation shall pay such proportion of

the indemnities provided in the policy as the premium paid would have purchased at the rate, but within the limits fixed by the corporation for such more hazardous occupation according to the corporation's rates and classification of risks filed with the insurance commissioner prior to the occurrence of the injury or the commencement of the disease for which indemnity is claimed.

\* \* \* \* \*

SEC. 5. Nothing in this act, however, shall apply to or affect any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, co-partnership, association, or individual employer, police or fire department, underwriters' corps, salvage bureau, or like associations or organizations, where the officers, members, or employees or classes of departments thereof are insured against accidental bodily injuries or diseases while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy:

Blanket poli-  
cies.

\* \* \*

Ratified this the 8th day of March, A. D. 1911.

**NORTH DAKOTA.**

**ACTS OF 1911.**

**CHAPTER 12.—Workmen's compensation commission.**

SECTION 1. There is hereby created a commission to be designated and known as the North Dakota Employees' Compensation Commission.

Commission  
created.

SEC. 2. The said North Dakota Employees' Compensation Commission shall be composed of three (3) members who shall be appointed by the governor by and with the consent and advice of the senate.

Members.

The three persons first composing said commission shall be appointed within ten (10) days after the passage of this act and before the adjournment of the present legislature, if practicable.

Term.

SEC. 3. Such persons shall hold said office until the end of the general session of the Legislature of North Dakota for the year 1913, but in case of vacancy occurring the governor will fill the vacancy.

SEC. 4. The persons appointed to be members of said commission shall be such as are known to possess knowledge of and training in the subject of compensation of employees for injuries received in the course of employment, one of whom shall be a representative of employers of labor, one a representative of labor, and one learned in the law.

Qualifica-  
tions.

SEC. 5. Each commissioner shall within thirty days after notice of his appointment, and before entering upon the discharge of his duties, take, subscribe and file with the secretary of state the oath of office prescribed by the constitution of this State.

Oath.

SEC. 6. The said commission may elect its own chairman.

Chairman.

SEC. 7. The said commission shall have a paid secretary who may or may not be a member of said commission.

Secretary.

SEC. 8. If the report hereinafter required is not unanimous, then a minority report shall be made therewith.

Reports.

SEC. 9. It shall be the duty of said commission, and it shall have the power and authority: (a) To have and exercise general supervision over the collection of data and other information to the end that such report as it shall make shall be relatively just and equal and in compliance with the fundamental laws of this State. (b) To cause the particular operation of laws passed by other States and foreign countries to be investigated sufficiently to determine whether the various laws, framed and now in operation upon the matter of compensation of employees, whether under the form of insurance or otherwise, are successful in the particular jurisdiction, with enough of the data and information

Duties and  
powers.

furnished with the report to point out the weakness and strength of those laws from a practical standpoint, when compared with our own conditions and constitutional system. (c) To make written report to the legislature of this State on the first day of the legislative session of 1913, the results of the information so collected, together with the bill or bills, drafted by said commission, providing a plan for speedy remedy for employees for injuries received in the course of their employment, which will be fair to the employees and the employers and just to the State. (d) Said commission shall have power to employ such help and assistants as it may deem necessary and expedient from time to time, and pay all necessary expenses.

Expenses.

SEC. 10. No compensation shall be allowed to any of the members of said commission as such, but the necessary expenses incurred by the commission in carrying out the provisions of this act shall be allowed, not to exceed in the aggregate the sum of one thousand dollars.

Approved March 17, 1911.

CHAPTER 158.—*Accident insurance.*

Provisions of policy.

SECTION 1. No policy of insurance against loss or damage by the sickness, bodily injury or death by accident of the assured shall be issued or delivered in this State unless the same shall be plainly printed, no portion thereof in smaller than long primer type, and every policy so issued and delivered shall contain the following provisions:

\* \* \* \* \*

Change of occupation.

4. A provision that if the occupation of the insured be changed to a more hazardous one, then the benefit and payment to be such as the premium would pay for in that occupation.

Approved March 3, 1911.

CHAPTER 245.—*Railroads—Construction, etc., of caboose cars.*

Scope of law.

SECTION 1. The provisions of this act shall apply to any railroad corporation, or any person or persons while engaged as common carriers in the transportation of passengers or property within this State to which the regulative power of this State extends.

Dimensions and equipment.

SEC. 2. From and after the first day of June, 1914, it shall be unlawful, except as otherwise provided in this act, for any such common carrier by railroad to use on its lines any caboose car or other car used for like purposes unless such caboose or other car shall be at least twenty-four feet in length exclusive of the platform and equipped with two four wheeled trucks, and said caboose car or other car shall be of constructive strength equal to that of the thirty-ton capacity freight cars constructed according to M. C. B. standards, and shall be provided with a door in each end thereof and an outside platform across each end of said car; each platform shall not be less than twenty-four inches in width and shall be equipped with proper guardrails, and with grab irons and steps for safety of the persons getting on and off said car. Said steps shall be equipped with a suitable rod, board or other guard at each end and at the back thereof, properly designed to prevent slipping from said steps.

Repairing cabooses.

SEC. 3. Whenever any caboose cars now in use by such common carriers as provided by section 1 herein, shall, after this act goes into effect, be brought into any shop for general repairs, it shall be unlawful to again put the same into service of such common carrier within this State, unless it be equipped as provided in section 2 of this act.

Extension of time.

SEC. 4. The State railroad commission is hereby authorized to grant to any common carrier aforesaid, upon full hearing and for good cause shown, a reasonable extension of time in which to comply with the provisions of this act: *Provided*, That in no case

shall such extension in the aggregate exceed a period of one year from the time herein limited for compliance with this act.

SEC. 5. Any common carrier as provided in section 1 of this act, 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, nor more than five hundred dollars for each offense.

Violations.

Approved March 3, 1911.

CHAPTER 266.—*School attendance of children—Employment.*

SECTION 232. Every parent, guardian or other person who resides in any school district or city and who has control over any child of or between the ages of eight and fifteen shall send every such child to a public school in each year during the entire time the public schools of such district or city are in session; \* \* \* *Provided*, That such parent, guardian or other person having control of any child shall be excused from such duty by the school board of the district or by the board of education of the city or village whenever it shall be shown to their satisfaction, subject to appeal as provided by law, that one of the following reasons therefor exists:

Attendance required.

Provido.

\* \* \* \* \*  
2. That such child is actually necessary to the support of the family.

Labor necessary.

[Sections 291-300 of this act reenact with slight changes chapter 153, Acts of 1909.

Section 291 amends section 1 of that act by striking out the words "any part of the term during which" and substituting the words "the hours when," in prohibiting employment while the public schools are in session.

Work during school hours.

Section 295 amends section 5 of that act by striking out the word "facial" as describing the marks that are to be taken note of in the certificate granted children wishing to be employed.

Description.

Section 297 amends section 7 by changing from 60 to 48 the number of hours per week that children under 16 years of age may be employed.

Hours of labor.

Section 299 inserts in section 9 the words "stamping machines in sheet-metal and tinware manufacturing," in the list of occupations at which children under 16 years of age may not work.]

Prohibited occupations.

(Date of approval not given.)

OHIO.

ACTS OF 1911.

*Accidents to be reported.*

(Page 53.)

SECTION 1. Sections 1003 and 1004 of the General Code [shall] be amended so as to read as follows:

Section 1003. Every manufacturer of the State shall within three days after the happening of any accident in his establishment resulting in death, or bodily injury of such a nature that the person injured does not return to his or her employment in said establishment within two or more days after the occurrence of the accident, shall forward by mail to the chief inspector of workshops and factories a report containing the following particulars in full:

Accidents to be reported.

1. Name and address of manufacturer (person, firm or corporation).
2. Nature of business in which manufacturer is engaged and place where accident occurred.
3. Name, address, sex, age and kind of employment of person killed or injured and whether such person is married or single.

4. The time of day deceased began work on day of accident, time of day accident occurred, and date of accident or death.

5. At what employed when killed or injured, whether such person was familiar with the work at which engaged or the machinery which he was operating and whether such machinery was in good order and guarded so as to prevent accident under ordinary circumstances. If such machinery was not guarded, reasons for not guarding the same.

6. Description of manner in which such person was killed or injured.

7. Description of nature and extent of injury.

8. Number of persons deprived of support in consequence of such death or injury.

Death or re-  
turn to work.

Such manufacturer shall, in all cases of death within six months after the accident, or in case the person injured returns to work in his establishment within six months after the accident, forward by mail to the chief inspector of workshops and factories within five days after such death or such return to work, or in case of no death or return to work within six months, then within five days after the expiration of such six months, a supplemental report which shall contain the following particulars in full:

1. Name and address of manufacturer.

2. Name, sex and age of person injured and date and place where accident occurred.

3. A correct statement of the amount of wages paid to such person at the time of such injury and the amount of wages lost during the period between the time of such accident and the time of forwarding such supplemental report.

4. The amount of compensation paid by such manufacturer by reason of such injury or death, the names of persons to whom such compensation was paid and a statement of reasons for paying such amounts to such persons.

Violations.

Sec. 1004. Whoever violates or fails to comply with any requirement of the preceding section shall be fined not less than fifty dollars, nor more than one hundred dollars for the first offense, and not less than two hundred dollars nor more than five hundred dollars for each subsequent offense.

Approved April 8, 1911.

*Mine regulations—Illuminating oil—Penalties.*

(Page 149.)

SECTION 1. Sections 974 and 976 of the General Code [shall] be amended to read as follows:

OIL.

Section 974. No person, firm or corporation shall compound, sell or offer for sale for illuminating purposes in any coal mine, any oil other than oil composed of not less than eighty-four per cent. of pure animal or vegetable oil, or both, and not more than sixteen per cent. pure mineral oil. The gravity [gravity] of such animal or vegetable oil shall not be less than twenty-one and one-half, and not more than twenty-two and one-half degrees Baume scale, measured by Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit; the gravity of such mineral oil shall not be less than thirty-four, and not more than thirty-six degrees Baume scale, measured by a Tagliabue or other standard hydrometer, at a temperature of sixty degrees Fahrenheit, and the gravity of the mixture shall not exceed twenty-four degrees Baume scale, measured by Tagliabue or other standard hydrometer at a temperature of sixty degrees Fahrenheit.

Packages to  
be marked.

Each person, firm or corporation compounding oil for illuminating purposes in a coal mine, or mines, shall, before shipment thereof is made, securely brand, stencil or paste upon the head of each barrel or package, a label which shall have plainly printed, marked or written thereon, the name and address of the person, firm or corporation, having purchased same, the date of shipment, the percentage and the gravity in degrees Baume scale, at a tem-

perature of sixty degrees Fahrenheit, of each of the component parts of animal, vegetable and mineral oil contained in the mixture, and the gravity in degrees Baume scale at a temperature of sixty degrees Fahrenheit of the mixture.

Each label shall have printed thereon, over the facsimile signature of the person, firm or corporation having compounded the oil, the following: "This package contains oil for illuminating purposes in coal mines in the State of Ohio, and the composition thereof as shown hereon is correct." Each person, firm or corporation, manufacturing paraffine wax for illuminating purposes in a coal mine, or mines, or any other mine, shall, before shipment thereof is made, securely brand, stencil, or paste, upon the head of each barrel, box, or case, containing small packages, the name and address of the person, firm or corporation, manufacturing paraffine wax therein contained; the name and address of the person, firm or corporation, having purchased the same, and the date of shipment. And each individual package contained within each barrel, box or case, shall have plainly printed thereon, the name of product, the name and address of the manufacturer thereof, together with the melting point, fire test, and the percentage of oil and moisture of the paraffine wax therein contained.

But nothing herein contained shall prohibit the manufacture, sale or use for illuminating purposes in mines in this State, of paraffine wax with a melting point at from one hundred five to one hundred twenty-four degrees of heat and minimum fire test not less than three hundred degrees Fahrenheit, with not over four per cent oil and moisture. No person shall use in any coal mine or other mines, any fish oil, or any other illuminant, whatever, other than those specifically provided for in this section and in the preceding section, unless with the consent and approval of the chief inspector of mines. Other illumina-  
nants.

[Section 976 enacts penalties for various violations of the Mine Code, the original section being repealed.]

Filed in the office of the secretary of state June 1, 1911.

#### *Factory regulations—Inspection.*

(Page 360.)

SECTION 1. Sections 996, 997 and 998 of the General Code [shall] be amended so as to read as follows:

Section 996. If the chief inspector of workshops and factories or a district inspector finds that the heating, lighting, ventilation or sanitary arrangements of a shop or factory are injurious to the health of persons employed or residing therein, that the means of egress therefrom in case of fire or other disaster is not sufficient, that efficient means for extinguishing fires is not provided on each floor, that the belting, shafting, gearing, elevators, drums and machinery therein are so located as to be dangerous to employees and not safely guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not surrounded by proper safeguards for preventing accident or injury to persons employed at or near them, or that there is danger from explosives in a building in which explosives are manufactured or stored, he shall notify the owner, proprietor or agent of such shop or factory or building by personally serving a notice in writing, or mailing it to his last known address, to make the necessary alterations or additions. Said notice shall describe the alterations and additions which shall be installed therein and the time in which each alteration or addition therein required shall be made and each appliance installed. Notice of al-  
terations.

Sec. 997. Upon receipt of the notice provided in the next preceding section, the owner, proprietor, or agent of a shop or factory shall make the necessary alterations or additions to such shop or factory or install the appliances therein required within the time designated therein. Changes to  
be made.

Failure to comply.

Sec. 998. Whoever being notified by the chief inspector of workshops and factories or a district inspector to make alterations or additions to a shop or factory or to install appliances therein fails or refuses to comply with any requirement of such notice within the time therein designated as provided in the preceding two sections or the provisions of section 1000 of the General Code shall be fined not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars for each day after the expiration of the time so designated until such alterations and additions have been made. Such failure or refusal shall constitute a single offense and the amount of the fine imposed under these sections shall be dependent upon the number of days as herein provided.

Continuing offenses.

Any person who has been convicted and fined under the provisions of the next two preceding sections or the provisions of section 1000 of the General Code may be prosecuted and convicted from time to time under these sections until the alterations and additions have been made or the appliances installed as required in such order; if convicted in such subsequent prosecution, the amount of the fine shall be computed upon the number of days intervening between the date of the former conviction and the filing of the subsequent affidavit.

Sec. 3. Sections 1002 and 1028 of the General Code [shall] be supplemented as follows:

Operation may be enjoined.

Sec. 1002-1. If the alterations and additions required in the notice provided for in sections 996 and 1000 are not made within the time therein designated or if the appliances that are required are not installed within the time designated, the use of the building within which the shop or factory is located for shop and factory purposes as defined in section 1002, shall be deemed a public nuisance. After the expiration of the time prescribed in such notice the chief inspector of workshops and factories may in writing inform the attorney general of the fact that such notice has been given and that the person to whom it was directed has not complied therewith. On receipt thereof, the attorney general shall bring suit in the name of the State in the court of common pleas of the county where such shop or factory is located to enjoin the continued operation of such shop or factory until the requirements of such notice are complied with. In such action it shall be sufficient to serve the summons upon the person to whom the notice prescribed in sections 996 or 1000 was sent, and such summons may be served in any county of the State. The court may issue a temporary restraining order without notice to the defendant in such action. Upon final hearing thereof, if the court is satisfied that the requirements of the notice by the chief inspector of workshops and factories or the district inspector to the defendant was not unreasonable or arbitrary, it shall issue an order enjoining the defendant from the continued operation of such shop or factory or from permitting the use of such building for shop or factory purposes until compliance therewith. Such injunction shall continue operative until the court is satisfied that the requirements of such notice have been substantially complied with and the court shall have and exercise with respect to the enforcement of such injunctions all the powers vested in it in other similar cases. Both the plaintiff and defendant in such action shall have the same rights of appeal and error as are provided by law in other injunction cases.

Means of egress.

Sec. 1028-1. The owners of buildings wherein shops or factories are operated shall make suitable provisions for the safe and speedy egress therefrom in case of fire or other disaster of persons employed in such shop or factory or residing therein or who may be invited any time thereinto as follows:

1. They shall provide on each floor or basement of each section of such building separated from other sections or parts thereof by fire walls, or not so separated, and in which a shop or factory is operated, excepting only rooms on such floors or basements used only for storage purposes, two separate and distinct means of egress

placed at opposite ends of the section or building and located as far apart as possible. Such means of egress shall be either an inclosed fireproof stairway running continuously from each floor on which such shop or factory is operated to the grade line and opening directly to the outside of the building; or a standard fire escape leading from such floors to the grade line or a convenient and safe distance above grade line; or a self-closing door leading directly to the next adjoining section of the same building containing a stairway, or a door opening directly upon a street, alley or open court.

2. They shall provide substantial handrails on each side of all stairways.

3. They shall provide on each floor on which a shop or factory is operated doors or other means of egress therefrom to such fire escapes or inside stairways, which said doors or other means of egress must swing outward and toward the natural means of egress, and if capable of being locked or latched, the same must be operated from the inside.

4. They shall provide signs over all doors as exits and over all openings or passageways leading to exits which shall be clearly marked with the word "Exit" in plain block letters not less than six inches high; such signs shall be so placed that they may be seen from any part of the room, if possible.

5. They shall so arrange and hang doors and windows or other means of egress to fire escapes or fireproof stairways that when open they shall not obstruct or close off any of the passageway or in any way interfere with the use of fire escapes or other means of egress.

Sec. 1028-2. The owners and operators of manufacturing, mechanical, electrical, mercantile, art and laundering establishments, printing, telegraph and telephone offices, and railroad depots shall observe the following rules and regulations for the safety of persons employed or assembled therein: Rules for safety.

1. The number of persons at any time employed or permitted to work or to be assembled therein shall at no time be such as to provide fewer than the following number of square feet of floor space for each person:

If the establishment, office or depot is in a basement there shall be ten square feet to a person; if on the first or grade floor, eight square feet to a person; if on the second floor, ten square feet to a person; if on the third floor, fifteen square feet to a person; if on the fourth floor, twenty square feet to a person; if on the fifth floor, thirty square feet to a person; if on the sixth floor, forty square feet to a person; if on the seventh floor, sixty square feet to a person; if on the eighth floor, eighty square feet to a person; if on the ninth floor, one hundred square feet to a person; if on or above the tenth floor, one hundred and twenty-five square feet to a person.

2. The number of persons employed or permitted to work or assemble therein shall at no time be greater than one hundred persons for each three feet of exit space, but this ratio may be decreased where highly inflammable materials are manufactured, sold or stored, by order of the chief inspector of workshops and factories, a district inspector thereof, or the chief of any fire department having authority in the premises.

3. Each floor on which any establishment mentioned in this section is located shall be provided with standpipe with one and one-half inch hose not more than seventy-five feet in length so located that any part of the floor may be reached by a stream of water expelled therefrom, and where water supply is not available, fire extinguishers or barrels of salt water with round bottom buckets may be substituted.

4. The floors of all such establishments shall be swept at least once a day, and the sweepings therefrom removed from every room thereof.

5. No door or other means of egress shall be locked, barred or bolted during the time when such shop or factory is operated.

6. Such owners or operators shall provide passageways or aisles equal in width to such doors or exits and leading to the same from all parts of the floor on which the shop or factory is operated, and shall keep such passageways or aisles at all times clear of all obstructions.

In computing the number of persons who may be employed or assembled in any such establishment, the portion of the floor space occupied by counters, cases and fixtures, or from which the public is excluded, shall be deemed and regarded as floor space.

Violations.

Sec. 1028-3. Whoever violates any of the provisions of the preceding sections shall be fined not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars.

Existing contracts.

Sec. 4. Nothing in this act shall be so construed or applied as to impair contractual obligations existing at the time of passage hereof [hereof].

Approved June 12, 1911.

*Employment of children in certain occupations forbidden.*

(Page 413.)

Exemption.

SECTION 1. Section 12969 of the General Code [shall] be amended so as to read as follows:

Section 12969. Section 12968 of the General Code [prohibiting the employment of children in theatrical, acrobatic, or mendicant occupations] shall not apply to or affect the taking part without remuneration of such child with the consent of its parents or guardian in a church, or any school or academy, or at a concert or entertainment given for charitable purposes, or by a church or any school, academy, charitable, eleemosynary or religious institution.

Approved June 7, 1911.

*Factory regulations—Guards for dangerous machinery.*

(Page 428.)

Guards for dangerous machinery, etc.

SECTION 1. Section 1027 of the General Code [shall] be amended so as to read as follows:

Section 1027. The owners and operators of shops and factories shall make suitable provisions to prevent injury to persons who use or come in contact with machinery therein or any part thereof as follows:

1. They shall case or box all shafting operating horizontally near floors, or perpendicularly or otherwise between, from or through floors or traversing near floors, or when operating near a passageway or directly over the heads of the employees.

2. They shall enclose with substantial railings or casing all exposed cogwheels, flywheels, band wheels, main belts, transmitting power from engine to dynamo, or other kind of machinery and all openings through floors, through or in which such wheels or belts may operate.

3. They shall cover, cut off or countersink keys, bolts, set screws and all parts of wheels, shafting or other revolving machinery projecting unevenly beyond the surface of such revolving machinery.

4. They shall case in all unused openings of elevators and elevator shafts and place automatic gates or floor doors on each floor where entrance to the elevator carriage is obtained. They shall keep such gates or doors in good repair and examine frequently and keep in sound condition the ropes, gearing and other parts of elevators.

5. They shall close stair openings on each floor, except where access to stairs is obtained, and rail such stairs between floors.

6. They shall light the hallways, rooms, approaches to rooms, basements and other places wherein sufficient daylight is not obtainable.

7. They shall guard all saws, wood-cutting, wood-shaping and all other dangerous machinery.

8. They shall provide shifters for shifting belts, and poles and other appliances for removing, replacing and repairing belts or single pulleys.

9. They shall adjust with handrailing, runways and staging used for oiling and other purposes when more than five feet from floors.

10. They shall provide countershafting in each room separate from the engine-room, with tight and loose pulleys and other suitable appliances for disconnecting machinery when in operation.

11. They shall provide emery wheels or belts of solid emery, leather, leather covered, felt, canvas, linen, paper, cotton or wheels or belts, rolled or coated with emery or corundum, or cotton wheels used as buffs, with blowers or similar apparatus placed over, beside or under such wheels or belts in such a manner as to protect the person or persons using them from particles of dust produced and caused thereby.

Blowers for  
emery wheels,  
etc.

12. They shall provide each emery wheel with a sheet or cast iron hood or hopper of such form and so applied to it that the dust or refuse therefrom will fall from such wheels or will be thrown into such hood or hopper by centrifugal force and be carried off by the current of air into a suction pipe attached to such hood or hopper.

13. They shall provide an emery wheel six inches or less in diameter with a three-inch suction pipe, and emery wheel six inches to twenty-four inches in diameter with a four-inch suction pipe; an emery wheel twenty-four inches to thirty-six inches in diameter with a five-inch suction pipe and every emery wheel larger than those provided for with a suction pipe not less than six inches in diameter. Such suction pipe shall be full-sized to the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall be equal in its diameter and capacity to the combined area of the smaller pipes attached to it. The discharge pipe from the exhaust fan connected with pipe or pipes shall be as large or larger than the suction pipe.

14. They shall provide necessary fans or blowers connected with suction pipes, which shall be run at a rate of speed sufficient to produce a velocity of air in such suction or discharge pipes of at least nine thousand feet per minute to an equivalent suction or pressure of air equal to raising a volume of water not less than five inches in a U-shaped tube. All branch suction pipes must enter the main pipe at an angle of forty-five degrees or less; the main suction or trunk pipe shall be below the emery or buffing wheels and as close to them as possible and be either upon the floor or beneath the floor on which the machinery to which such wheels are attached are placed. All bends, turns or elbows in such suction pipes must be made with easy smooth surfaces having a radius in the throat of not less than two diameters of the pipe on which they are connected.

15. Nothing in this section regarding blowers, hoods, hoppers, or suction pipes shall apply to emery wheels upon which water is used at the point of grinding contact, small emery wheels used temporarily for tool grinding or small shops employing not more than one man at work upon an emery wheel, which does not create dust enough in the opinion of the chief inspector of workshops and factories or a district inspector to be injurious to its operator. No female shall be employed in operating, assisting to operate, or using any of the wheels or belts specified in the preceding four subdivisions of this section.

Use of water.

Approved June 8, 1911.

*Inspector of factories and workshops—Assistants.*

(Page 456.)

SECTION 1. Section 982 of the General Code [shall] be amended to read as follows:

Assistant in-  
spectors.

Section 982. With the approval of the governor, the chief inspector of workshops and factories shall appoint a first assistant chief inspector of workshops and factories, and a second assistant chief inspector of workshops and factories, each of whom shall give his whole time and attention to the duties of his office. The first assistant chief inspector of workshops and factories shall be a competent and practical architect, and the second assistant chief inspector of workshops and factories shall have a practical knowledge of architecture and of heating and ventilating. Such first and second assistant chief inspectors of workshops and factories shall carefully examine the plans and specifications, for the construction, addition or alteration of buildings named in section one thousand and thirty-one of this chapter, and perform such other duties as the chief inspector directs. In addition to their respective salaries, the first and second assistant chief inspectors of workshops and factories shall each be allowed his necessary traveling expenses incurred in the discharge of his official duties.

Approved June 8, 1911.

*Location of oil and gas wells.*

(Page 457.)

SECTION 1. Section 973 of the General Code, as amended April 5, 1910, [shall] be amended to read as follows:

Notice.

Section 973. Any person, firm or corporation causing to be drilled any well for oil or gas or elevator well or any test well within the limits of any coal producing county of this State, must give notice, in writing, of such fact to the chief inspector of mines, stating the location of the land upon which such well is to be drilled.

\* \* \* \* \*

Proximity to  
mines.

No oil or gas well shall be drilled nearer than three hundred feet to any opening to a mine used as a means of ingress or egress for the persons employed therein, nor nearer than one hundred feet to any building or inflammable structure connected therewith and actually used as a part of the operating equipment of said mine.

Penetrating  
excavations.

In the event that a well being drilled for oil or gas penetrates the excavations of any mine, it must be cased with casing of approximately the same diameter as the diameter of the hole, the hole to be drilled thirty feet or to solid slate or rock and not less than ten feet below the floor of such mine, and the casing shall be placed in the following manner: one string of casing shall be placed at a point above the roof of said mine so as to shut off all of the surface water and then the hole drilled through said mine and another string of casing put in and the bottom of the second string of casing, or the one passing through said mine shall not be nearer than ten feet nor more than thirty feet from the floor of the mine where it passes through the same.

Abandoning  
wells.

When any well which has been drilled for oil or gas is to be abandoned and has passed through the excavations of any coal mine from which the mineral coal has not all been removed the person, firm or corporation owning said well shall leave in said well the casing passing through said mine from a point not less than ten feet or more than thirty feet below the floor of said mine and extending above the roof of said mine five feet and a seasoned wooden plug or iron ball shall be driven to a point forty feet below the floor of the mine and shall then fill the hole and the casing left in with the cement or a seasoned wooden plug or iron ball shall be driven on top of the same, and the hole shall

then be filled for a distance of not less than twenty feet with cement. If any oil or gas well has passed through a workable vein or seam of coal it shall when it is abandoned be plugged in the following manner; a seasoned wooden plug or iron ball shall be driven to a point thirty feet below the lowest workable seam of coal and the hole filled with cement to a point twenty feet above the first seam of coal and another wooden plug or iron ball driven and the hole filled for a distance of twenty feet with cement.

\* \* \* \* \*

Approved June 12, 1911.

*Assignments of wages—Wage brokers.*

(Page 469.)

SECTION 1. No person, firm or corporation except banks and building and loan associations shall engage or continue in the business of making loans upon chattels or personal property of any kind whatsoever or of purchasing or making loans upon salaries or wage earnings without first having obtained a license so to do from the secretary of state. License re-  
quired.

Each application shall be accompanied by a bond to the State of Ohio in the penal sum of two thousand dollars (\$2,000) to the approval of the secretary of state. If any person, shall be aggrieved by the misconduct of any such licensed person, firm or corporation or by his, their or its violation of any law relating to such business, and shall recover a judgment therefor, such person may, after return unsatisfied either in whole or in part of any execution issued upon such judgment, maintain an action in his own name upon such bond herein required in any court having jurisdiction of the amount claimed. The secretary of state shall furnish to any one applying therefor a certified copy of such bond filed with him, upon the payment of a fee of one dollar (\$1) and such certified copy shall be prima facie evidence in any court that such bond was duly executed and delivered by the parties whose names appears thereon. Said bond shall be renewed and refiled at the time of making application for license, but said bond until renewed and refiled as aforesaid shall be and remain in full force and effect. Bonds.

SEC. 2. Applications for license to conduct such business must be made in writing to the secretary of state and shall contain the full names and addresses of applicants, if natural person, and in case of firms or incorporated companies, the full names and addresses of the officers and directors thereof and under what law or laws incorporated, the kind of business which is to be conducted, whether chattel mortgage or salary loan; the place where such business is to be conducted and such other information as the secretary of state may require. The fee to be charged for said license shall be ten dollars (\$10) per annum and such amount must accompany the application. Each license granted shall date from the first of the month in which it is issued and shall be granted for the period of one year, subject to revocation, as provided in this act, and such license shall be kept conspicuously displayed in the place of business of the licensee. Applications.

SEC. 3. Every person, firm or corporation licensed as herein provided shall give to each assignor or borrower a card upon which shall be written in ink, or typewritten or printed, the name of the person, firm or corporation making such loan or purchase, the name of the assignor or borrower, the amount of the loan, the amount of interest charged, the amount of expense charged exclusive of interest, and the time for which such charge is made, the date when the loan is made and the date when payable; and shall also give the assignor or borrower a receipt for each payment of principal, interest or any other charge made on the loan, and if any payment consists of principal and interest or any other charge, such receipt shall specify the amount of each. Statement to  
be furnished.

- Blanks to be filled. SEC. 4. No such person, firm or corporation so licensed, shall receive any assignment of salary or wages signed in blank, but all blank spaces shall be filled in with ink or typewritten with the proper names and figures, showing the name of the firm, person or corporation by whom the person making the conveyance or assignment is employed. If the borrower is married the contract, conveyance or assignment shall be void unless it also contain the name of the husband or wife, as the case may be, of the borrower.
- Interest rate. SEC. 5. No such person, firm or corporation shall make a loan upon chattels or personal property of any kind whatsoever or purchase, a salary or wage earning of another at a rate of interest or charge in excess of eight per cent per annum upon the principal sum. In addition to such eight per cent per annum a reasonable charge may be made for investigation, examination, collection and all other charges of whatsoever kind or description, not to exceed ten per cent (10 %) upon the principal sum, and any contract, conveyance or assignment for the purchase or assignment of any salary or wage earnings and any loan upon chattels or personal property whatsoever shall be void and of no binding effect which provides for or contemplates the payment of any amount or sum in excess of the rates or charges herein provided for or where any provision of section 3 herein has been disregarded or violated. In case any loan or contract of any kind provided for in the preceding sections is not paid when due, an interest of eight per cent per annum may be charged on such balance due, but no extra charges shall be made for said renewal or extension of said loan or contract, within one year from the date of the loan or any renewal or extension thereof.
- Violations. SEC. 6. Any person, firm or corporation, or any agent, officer, or employee thereof, violating any provision of this act, or that carries on the business of making loans upon chattels or personal property of any kind whatsoever, or of purchasing or making loans upon salaries or wage earnings without first obtaining a license as provided in this act shall, for the first offense, be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200); and for a second offense not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), and it shall thereupon become the duty of the secretary of state upon such second conviction to revoke any license theretofore issued to such person, firm or corporation.
- Excessive interest. SEC. 7. When the rate is usurious, payments of money or property made by way of interest, whether made in advance or not, shall be deemed and taken to be payments made on account of principal, or may be recovered in an action before a court of competent jurisdiction, and no judgment shall be rendered against the borrower in excess of the amount of the principal borrowed, still due.

Approved June 7, 1911.

*Factory regulations—Provisions for female employees.*

(Page 488.)

- SECTIONS 1. Sections 1008, 1009, 1010 and 1011 of the General Code, [shall] be amended so as to read as follows:
- Seats. Section 1008. Every person, partnership or corporation employing females in any factory, workshop, business office, telephone or telegraph office, restaurant, bakery, millinery or dressmaking establishment, mercantile or other establishments shall provide a suitable seat for the use of each female so employed, and shall permit the use of such seats when such female employees are not necessarily engaged in the active duties for which they are employed and when the use thereof will not actually and necessarily interfere with the proper discharge of the duties of such employees, such seat to be constructed, where practicable, with an automatic back support and so adjusted as to be a fixture but not obstruct employees in the performance of duty, and shall further

provide a suitable lunch room, separate and apart from the work-room, and in establishments where lunch rooms are provided, female employees shall be entitled to no less than thirty minutes for meal time: *Provided*, That in any establishment aforesaid in which it is found impracticable to provide a suitable lunch room, as aforesaid, female employees shall be entitled to no less than one hour for mealtime during which hour they shall be permitted to leave the establishment. Females over eighteen years of age shall not be employed or permitted or suffered to work in or in connection with any factory, workshop, telephone or telegraph office, millinery or dressmaking establishment, restaurant or in the distributing or transmission of messages more than ten hours in any one day, or more than fifty-four hours in any one week, but meal time shall not be included as a part of the work hours of the week or day: *Provided, however*, That no restriction as to the hours of labor shall apply to canneries or establishments engaged in preparing for use perishable goods.

Lunch rooms.  
Time for meals.

Hours of labor.

Exception.

Sec. 1009. The owner or person having charge of the building wherein any female is employed shall provide in each establishment on the same floor or the floor immediately above or immediately below the floor where such employee works, suitable and separate toilet and dressing rooms and water-closets, properly ventilated, for the exclusive use of such employees. Such toilet and dressing rooms and water-closets shall be situated together, with one water-closet for every twenty-five females or less, and where there are more than twenty-five females employed, additional water-closets shall be provided in the same ratio; no toilet or dressing room or water-closet shall be placed in the basement or cellar unless females are actually and regularly employed therein, and unless such basement or cellar is properly ventilated.

Toilet rooms.

Sec. 1010. In cities, towns and villages not provided with water works and sewage, closets in the same ratio as above mentioned in section 1009 shall be placed on the outside of such building, at a distance not to exceed fifty and not less than twenty feet from such building, with suitable and separate toilet and dressing rooms in such building, or such building may be provided with a dry closet system at the same ratio provided in section 1009, all closets to be supplied with disinfectants and kept in good sanitary condition at all times.

Location of toilet rooms.

Sec. 1011. Any person, partnership or corporation or agent thereof, who shall violate any of the provisions of this act, shall upon conviction be fined not less than twenty-five dollars, nor more than two hundred dollars. It shall be the duty of the chief inspector of workshops and factories to see that the provisions of this act are enforced. \* \* \*

Violations.

Filed in the office of the secretary of state June 17, 1911.

*Inspection of steam boilers—State board.*

(Page 494.)

SECTION 1. There is hereby established, in the office of the chief examiner of steam engineers, a department to be known as the board of boiler rules, to consist of the chief examiner of steam engineers, who shall be chairman of the board, and four members to be appointed by the governor, with the advice and consent of the senate, within thirty days after the passage of this act, one member to be appointed for the term of one year, one member for two years, one member for three years, and one member for four years, and, as their terms expire, the governor shall appoint a member for four years. Vacancies shall be filled by appointment by the governor for the unexpired term. One of the persons so appointed shall be an employee of the boiler using interests; one shall be an employee of the boiler manufacturing interests; one shall be an employee of the boiler insurance interests; and one shall be an operating engineer; or the governor, if he deems the same advisable, may make such appointments from any class of citizens.

Board of boiler rules.

- Inspection exemptions.** SEC. 2. On and after January 1, 1912, all steam boilers and their appurtenances, except boilers of railroad locomotives, portable boilers used in pumping, heating, steaming and drilling, in the open field, for water, gas and oil, and portable boilers used for agricultural purposes, and in construction of and repairs to public roads, railroad and bridges, boilers on automobiles, boilers of steam fire engines brought into the State for temporary use in times of emergency for the purpose of checking conflagrations, boilers carrying pressures of less than fifteen pounds per square inch, which are equipped with safety devices approved by the board of boiler rules, and boilers under the jurisdiction of the United States, shall be thoroughly inspected, internally and externally, and under operating conditions at intervals of not more than one year, and shall not be operated at pressures in excess of the safe working pressure stated in the certificate of inspection hereinafter mentioned. And shall be equipped with such appliances to insure safety of operation as shall be prescribed by the board of boiler rules.
- Rules to be formulated.** SEC. 3. It shall be the duty of the board of boiler rules to formulate rules for the construction, installation, inspection and operation of steam boilers, and for ascertaining the safe working pressure to be carried on such boilers, to prescribe tests, if it is deemed necessary, to ascertain the qualities of materials used in the construction of boilers, to formulate rules regulating the construction and sizes of safety valves for boilers of different sizes and pressures, for the construction, use, and location of fusible plugs, appliances for indicating the pressure of steam and level of water in the boiler, and such other appliances as the board may deem necessary to safety in operating steam boilers, to make a standard form of certificate of inspection, and to examine applicants for certificate as boiler inspectors as hereinafter provided.
- Meetings.** SEC. 4. The board of boiler rules shall hold examinations and public hearings on complaints and recommendations in the city of Columbus on the second Wednesday in February, May, August, and November, of each year, and at such other times as it may determine.
- Special hearings.** SEC. 5. If the board, after any hearings, shall deem it advisable to make changes in its rules, it shall appoint a day for a further hearing, and shall give notice thereof, and of the changes proposed, by advertisement in at least one newspaper in each of the cities of Cleveland, Cincinnati, Columbus, Toledo, Dayton, and Youngstown, at least ten days before such hearing. If the board, on its own initiative, contemplates changes in its rules, like notice and a hearing shall be given and held before the adoption thereof.
- Changes take effect, when.** SEC. 6. Changes in the rules which affect the construction of new boilers shall take effect six months after the approval of the same by the governor: *Provided, however,* That the board may, upon request, permit the application of such changes in, or additions to, rules, to boilers manufactured or installed during the said six months.
- Special types.** SEC. 7. When a person desires to manufacture a special type of boiler, the design of which is not covered by the rules formulated by the board of boiler rules, he shall submit drawings and specifications of such boiler to said board, who may permit the installation of the same in the State of Ohio.
- Rules to be approved.** SEC. 8. All rules formulated by the board of boiler rules shall be submitted to, and subject to, the approval of the governor, and when so approved shall be printed and furnished to those requesting them.
- Chief examiner.** SEC. 9. In addition to the duties heretofore imposed upon him by law, the chief examiner of steam engineers shall be the head of the department of the board of boiler rules and chief inspector of steam boilers. He shall appoint an assistant chief inspector of steam boilers, and such other inspectors, under conditions hereinafter provided, as he may deem necessary, together with such

number of clerks, one of whom shall act as the clerk of the board of boiler rules, as may be approved by the governor; and he may incur such other expenses as may be necessary to an efficient administration of said department. \* \* \* All appointments shall be subject to the approval of the governor.

Sec. 10. The chief inspector of steam boilers shall give a bond payable to the State in the sum of five thousand dollars, with surety to be approved by the governor, conditioned upon the faithful performance of his duty. Like bonds shall be given in the sum of two thousand dollars to be approved in the same manner by the assistant chief inspector and by each general inspector of steam boilers.

Bond.

Sec. 11. Applications for examination as an inspector of steam boilers shall be in writing, accompanied by a fee of ten dollars, upon a blank to be furnished by the chief inspector of steam boilers, stating the school education of the applicant, a list of his employers, his period of employment and the position held with each. He shall also submit a letter from one or more of his previous employers certifying to his character and experience. Applications shall be rejected which contain any willful falsification, or untruthful statements. Such applicant, if the board of boiler rules deem his history and experience sufficient, shall be examined by the board at its next regular meeting, by a written examination dealing with the construction, installation, operation, maintenance and repair of steam boilers and their appurtenances, and the applicant shall be accepted or rejected on the merits of his application and examination. A rejected applicant shall be entitled, after the expiration of ninety days, and upon payment of an examination fee of ten dollars, to another examination.

Applications for examination.

Examina-tions.

Upon a favorable report by the board of boiler rules, of the result of an examination, to the chief inspector of steam boilers, he shall immediately issue to the successful applicant a certificate to that effect.

Sec. 12. The chief inspector of steam boilers may, with the consent of the governor, appoint from the holders of certificates provided for in section 11, not to exceed ten general inspectors.

Inspectors.

Any company authorized to insure boilers against explosion in this State may designate from holders of such certificates persons to inspect the boilers covered by such company's policies, and the chief inspector of steam boilers shall issue to such persons commissions authorizing them to act as special inspectors. Such special inspectors shall be compensated by the company designating them, and the fee provided for in section 20 shall not be collected by such special inspectors.

The chief inspector of steam boilers shall issue to each of such appointees, a commission to the effect that the holder thereof is authorized to inspect steam boilers for the State of Ohio.

No person shall be authorized to act for the State, either as a general inspector or a special inspector, unless he holds a certificate of having passed the examination as herein provided, and also that he holds a commission from the chief inspector of steam boilers to represent the State in that capacity.

Sec. 13. A commission shall be revoked by the chief inspector of steam boilers for the incompetence or untrustworthiness of the holder thereof, or for willful falsification of any matter or statement contained in his application, or in a report of any inspection. A person whose commission is revoked may appeal from the revocation to the board of boiler rules which shall at its next regular meeting, hear the appeal and either set aside or affirm the revocation, and its decision shall be final. The person whose commission has been revoked shall be entitled to be present in person and by counsel on the hearing of the appeal. If a certificate or commission is lost or destroyed a new certificate or commission shall be issued in its place without another examination.

Revocation of certificate.

Sec. 14. The owner or user of a boiler required to be inspected shall, after due notice, prepare the boiler for internal and ex-

Inspections.

ternal inspection at the appointed time, by drawing the water from the boiler and removing the manhole and hand-hole plates and thoroughly cleaning the boiler and its setting. The chief inspector of steam boilers shall give such owner or user at least fourteen days' notice to prepare the boiler for this inspection, but shall not be required to give notice for inspection under operating conditions. It shall be the duty of the inspector when making inspection under operating conditions to observe the pressure of steam carried, the general condition of each boiler, to ascertain if the safety valve and the appliances for indicating the pressure of steam and the level of water in the boiler are in proper working order. No person shall remove or tamper with any safety appliance prescribed by the board of boiler rules, and no person shall in any manner load the safety valve to a greater pressure than that allowed by the certificate of inspection. If in the judgment of the inspector it is advisable to apply a hydrostatic pressure test to the boiler, the owner or user shall prepare the boiler for such test, as directed by the inspector.

Certificate of inspection.

SEC. 15. If, upon inspection, the inspector finds the boiler to be in safe working order, with the fittings necessary to safety, and properly set up, upon his report to the chief inspector of steam boilers, the chief inspector shall issue to the owner or user thereof, a certificate of inspection stating the maximum pressure at which the boiler may be operated, as ascertained by the rules established by the board of boiler rules, and thereupon such owner or user may operate the boiler mentioned in the certificate. If the inspector finds that the boiler is not in safe working condition, or is not provided with the fittings necessary to safety, or if the fittings are improperly arranged, he shall immediately notify the owner or user and person in charge of the boiler and shall report the same to the chief inspector of steam boilers, and shall withdraw or withhold such certificate until the boiler and its fittings are put in condition to insure safety of operation, and the owner or user shall not operate the boiler, or cause it to be operated until such certificate has been granted.

If the owner or user of any boiler disagrees with the inspector as to the necessity for shutting down a boiler or for making repairs or alterations in it, or taking any other measures for safety that may be requested by an inspector, the owner or user may appeal from the decision of the inspector to the chief inspector of steam boilers, who may, after such other inspection by a general inspector or special inspector, as the chief inspector may deem necessary, decide the issue and his decision shall be final.

Owner's duty.

Nothing in the act and no inspection or report by any inspector shall relieve the owner or user of a steam boiler of the duty of using due care himself in the inspection, operation and repair of said boiler or of any liability for damages for his failure to inspect or repair or operate said boiler safely.

Contents of certificate.

SEC. 16. The certificate of inspection shall state the name of the owner or user, the location, size and number of each boiler, the date of inspection, and the maximum pressure at which the boiler may be operated, the name of the person that made the inspection, and of the chief inspector of steam boilers, and shall also contain such quotations from the statutes as shall be deemed necessary by the board of boiler rules, and shall be so placed as to be easily read in the engine-room or boiler room of the plant where the boiler is located, except that the certificate of inspection for a portable boiler shall be kept on the premises and shall be accessible at all times.

The owner or user of a boiler herein required to be inspected shall pay to the chief inspector of steam boilers the sum of fifty cents for each certificate issued.

Boilers to be numbered.

SEC. 17. Each boiler which has been inspected shall be numbered either by stamping the number on the boiler or by attaching a numbered metal tag by a seal or otherwise to the boiler or its fittings. No person except an inspector shall deface or remove any such number or tag.

SEC. 18. All such boilers installed after January 1, 1912, shall be inspected when installed. A boiler installed in this State prior to July 1, 1912, which does not conform to the rules of construction formulated by the board of boiler rules, may be used after a thorough internal and external inspection, and if the inspector deems it necessary, a hydrostatic test, and after a certificate has been issued by the chief inspector. The pressure allowed on such boilers is to be ascertained by rules formulated by the board of boiler rules. No certificate of inspection shall be granted on any boiler installed after July 1, 1912, which does not conform to the rules formulated by the board of boiler rules.

New boilers.

SEC. 19. The owner or user of any stationary boiler herein required to be inspected, who moves the same, shall report to the chief inspector of steam boilers the new location of said boiler, and the boiler shall be inspected before it is again operated. The owner or user of any boiler herein required to be inspected shall immediately notify the chief inspector of steam boilers in case a defect affecting the safety of the boiler is discovered.

Moving boilers.

SEC. 20. The owner or user of a boiler herein required to be inspected shall pay to the inspector upon inspection five dollars for each boiler internally and externally inspected, and two dollars for each boiler inspected while in operation. The inspectors shall give receipts for the same, and when the fee is collected by a general inspector the same shall be forwarded, with his report of the inspection, to the chief inspector of steam boilers: *Provided, however,* That not more than eight dollars shall be collected in any one year on each such boiler, unless additional inspections are requested by the owner or user of same, or unless the boiler has been inspected and a certificate has been refused, or unless an additional inspection is required because of the change of location of a stationary boiler.

Fee.

SEC. 21. The inspection of boilers and their appurtenances shall be made by the inspectors mentioned herein under the supervision of the chief inspector of steam boilers, and it shall be the duty of the chief inspector to enforce the provisions of this act and of such rules as shall be promulgated by the board of boiler rules that have been approved by the governor.

Duty of chief inspector.

SEC. 23. Whoever being the owner, or operator of any steam boiler, herein required to be inspected, operates the same in violation of any rule promulgated by the board of boiler rules, and approved by the governor, or without having the same inspected and a certificate issued therefor as provided in this act, or who hinders or prevents a duly qualified inspector from entering any premises in or on which a steam boiler is situated for the purpose of inspection, shall be fined not less than twenty dollars nor more than five hundred dollars, or imprisoned not to exceed six months, or both.

Violations.

Approved June 14, 1911.

*Railroads—Crews for passenger trains.*

(Page 508.)

SECTION 1. Section 12553 of the General Code [shall] be amended to read as follows:

Section 12553. Whoever, being superintendent, train master, or other employee of a railroad company, sends or causes to be sent outside of yard limits, a passenger train of not more than five cars, any one of which carries passengers, with a crew consisting of less than one engineer, one fireman, one conductor and one brakeman, and if four of said cars are day coaches carrying passengers, or if in a train of more than five cars, three or more of which are day coaches carrying passengers, or a train of more than six cars, four of which are carrying passengers, or a train of more than seven cars, two or more of which are carrying passengers, or any train with six or more cars carrying passengers

Crew required.

with less than one additional brakeman; regularly employed as such, or, if when more than two cars, either of which carries passengers, requires a brakeman to perform the duties of baggage master or express agent, shall be fined not less than twenty-five (\$25) dollars for each offense.

For the purpose of this act, a combination mail or baggage and passenger car shall be regarded as a day coach, but straight dining cars and private cars shall not be regarded as cars carrying passengers.

**Exception.** Sec. 12554. The next preceding section shall not apply to trains picking up a car between terminals in this State, or to cars propelled by electricity.

Filed in the office of the secretary of state June 17, 1911.

*Workmen's insurance—State liability board.*

(Page 524.)

- Board created.** SECTION 1. There is hereby created a State liability board of awards, to be composed of three members, not more than two of whom shall belong to the same political party, to be appointed by the governor, within thirty days after the passage of this act, one of which members shall be appointed for the term of two years, one member for four years and one member for six years, and thereafter as their terms expire the governor shall appoint one member for the term of six years. Vacancies shall be filled by appointment by the governor for the unexpired term.
- Duties exclusive.** SEC. 2. Each member of the board shall devote his entire time to the duties of his office and shall not hold any position of trust or profit or engage in any occupation or business interfering or inconsistent with his duty as such member, or serve on or under any committee of any political party.
- Salaries.** SEC. 3. Each member of the board shall receive an annual salary of five thousand dollars, payable in the same manner as salaries of State officers are paid.
- Sessions continuous.** SEC. 4. The board shall be in continuous session and open for the transaction of business during all the business hours of each and every day, excepting Sundays and legal holidays. All sessions shall be open to the public, and shall stand and be adjourned without further notice thereof on its records. All proceedings of the board shall be shown on its record of proceedings, which shall be a public record, and shall contain a record of each case considered, and the award made with respect thereto, and all voting shall be had by the calling of each member's name by the secretary and each vote shall be recorded as cast.
- Quorum.** SEC. 5. A majority of the board shall constitute a quorum for the transaction of business, and a vacancy shall not impair the right of the remaining members to exercise all the powers of the full board so long as a majority remains. Any investigations, inquiry or hearing which the board is authorized to hold, or undertake, may be held or undertaken by or before any one member of the board. All investigations, inquiries, hearings and decisions of the board, and every order made by a member thereof, when approved and confirmed by a majority of the members, and so shown on its record of proceedings, shall be deemed to be the order of the board.
- Office.** SEC. 6. The board shall keep and maintain its office in the city of Columbus, and shall provide a suitable room or rooms, necessary office furniture, supplies, books, periodicals and maps. All necessary expenses shall be audited and paid out of the State treasury. The board may hold sessions at any place within the State.
- Employees.** SEC. 7. The board may employ a secretary, actuary, accountants, inspectors, examiners, experts, clerks, stenographers and other assistants, and fix their compensation. Such employments and compensation shall be first approved by the governor, and shall be paid out of the State treasury. The members of the

board, actuaries, accountants, inspectors, examiners, experts, clerks, stenographers and other assistants that may be employed shall be entitled to receive from the State treasury their actual and necessary expenses while traveling in the business of the board. Such expenses shall be itemized and sworn to by the person who incurred the expense, and allowed by the board.

SEC. 8. The board shall adopt reasonable and proper rules to govern its procedure, regulate and provide for the kind and character of notices, and the services thereof, in cases of accident and injury to employees, the nature and extent of the proofs and evidence, and the method of taking and furnishing the same, to establish the right to benefits of compensation from the State insurance fund, hereinafter provided for, the forms of application of those claiming to be entitled to benefits or compensation therefrom, the method of making investigations, physical examinations and inspections, and prescribe the time within which adjudications and awards shall be made.

Rules.

SEC. 9. Every employer shall furnish the board, upon request, all information required by it to carry out the purposes of this act. The board or any member thereof, or any person employed by the board for that purpose, shall have the right to examine under oath any employer or officer, agent or employee thereof.

Duty of employers.

SEC. 10. Every employer receiving from the board any blank with directions to fill the same, shall cause the same to be properly filled out as to answer fully and correctly all questions therein propounded, and if unable to do shall give good and sufficient reasons for such failure. Answers to such questions shall be verified under oath and returned to the board within the period fixed by the board for such return.

Answers to inquiries.

SEC. 11. Each member of the board, the secretary and every inspector or examiner appointed by the board shall, for the purposes contemplated by this act, have power to administer oaths, certify to official acts, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony.

Powers of members.

SEC. 12. In case of disobedience of any person to comply with the order of the board, or subpoena issued by it as [or] one of its inspectors, or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, or refuse to permit an inspection as aforesaid, the probate judge of the county in which the person resides, on application of any member of the board, or any inspector or examiner appointed by it, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of subpoena issued from such court on a refusal to testify therein.

Compelling attendance.

SEC. 13. Each officer who serves such subpoena shall receive the same fees as a sheriff, and each witness who appears, in obedience to a subpoena, before the board or an inspector or examiner, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of common pleas, which shall be audited and paid from the State treasury in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers approved by any two members of the board. No witness subpoenaed at the instance of a party other than the board or an inspector shall be entitled to compensation from the State treasury unless the board shall certify that his testimony was material to the matter investigated.

Officers' fees.

Witnesses' fees.

SEC. 14. In an investigation, the board may cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by the law for like depositions in civil actions in the court of common pleas.

Depositions.

SEC. 15. A transcribed copy of the evidence and proceedings, or any specific part thereof, or any investigation, by a stenographer appointed by the board, being certified by such stenographer to be a true and correct transcript of the testimony on the investigation, or of a particular witness, or of a specific part thereof, carefully compared by him with his original notes, and to be a correct

Transcripts.

statement of the evidence and proceedings had on such investigation so purporting to be taken and subscribed, may be received in evidence by the board with the same effect as if such stenographer were present and testified to the facts so certified. A copy of such transcript shall be furnished on demand to any party upon the payment of the fee therefor, as provided for transcript in courts of common pleas.

Forms, etc.

SEC. 16. The board shall prepare and furnish blank forms, and provide in its rules for their distribution so that the same may be readily available, of application for benefits or compensation from the State insurance fund, notices to employers, proofs of injury or death, of medical attendance, of employment and wage earnings, and such other blanks as may be deemed proper and advisable, and it shall be the duty of insured employers to constantly keep on hand a sufficient supply of such blanks.

Employments to be classified.

SEC. 17. The State liability board of awards shall classify employments with respect to their degree of hazard, and determine the risks of the different classes and fix the rates of premium of the risks of the same, based upon the total pay roll and number of employees in each of said classes of employment, sufficiently large to provide an adequate fund for the compensation provided for in this act, and to create a surplus sufficiently large to guarantee a State insurance fund from year to year.

Insurance fund.

SEC. 18. The State liability board of awards shall establish a State insurance fund from premiums paid thereto by employers and employees as herein provided, according to the rates of risk in the classes established by it, as herein provided, for the benefit of employees of employers that have paid the premium applicable to the classes to which they belong and for the benefit of the dependents of such employees, and shall adopt rules and regulations with respect to the collection, maintenance and disbursement of said fund.

Custodian.

SEC. 19. The treasurer of state shall be the custodian of the State insurance fund, and all disbursement therefrom shall be paid by him, but upon vouchers signed by any two members of the State liability board of awards.

Bond.

SEC. 20. The treasurer of state shall give a separate and additional bond, in such amount as may be fixed by the governor, and with sureties to his approval, conditioned for the faithful performance of his duties as custodian of the State insurance fund herein provided for.

Employers paying premiums.

SEC. 20-1. Any employer who employs five or more workmen or operatives regularly in the same business, or in or about the same establishment who shall pay into the State insurance fund the premiums provided by this act, shall not be liable to respond in damages at common law or by statute, save as hereinafter provided, for injuries or death of any such employee, wherever occurring, during the period covered by such premiums: *Provided*, That injured employee has remained in his service with notice that his employer has paid into the State insurance fund the premiums provided by this act; the continuation in the service of such employer with such notice, shall be deemed a waiver by the employee of his right of action as aforesaid.

Notice of payment.

Each employer paying the premiums provided by this act into the State insurance fund shall post in conspicuous places about his place or places of business typewritten or printed notices stating the fact that he has made such payment; and the same, when so posted, shall constitute sufficient notice to his employees of the fact that he has made such payment; and of any subsequent payments he may make after such notices have been posted.

Payment of premiums.

SEC. 20-2. For the purpose of creating such State insurance fund, each employer who employs five or more workmen or operatives regularly in the same business, or in or about the same establishment, and his employees in this State, having elected to accept the provisions of this act, shall pay, on or before January 1, 1912, and semiannually thereafter, the premiums of liability risk in

the classes of employment as may be determined and published by the State liability board of awards. The said employers for themselves and their employees shall make such payments to the State treasurer of Ohio, who shall receive and place the same to the credit of such State insurance fund. The premiums provided for in this act shall be paid by the employer and employees in the following proportions, to-wit: Ninety per cent of the premium shall be paid by the employer and ten per cent by the employees. Each employer is authorized to deduct from the pay roll of his employees ten per cent of the said premiums for any premium period in proportion to the pay roll of such employees; no deduction shall be made except for that portion of the premium period antedating such pay roll. Each employer shall give a receipt to each employee showing the amount which has been deducted and paid into the State insurance fund.

SEC. 21. The State liability board of awards shall disburse the State insurance fund to such employees of employers as have paid into said fund the premiums applicable to the classes to which they belong, that have been injured in the course of their employment, wheresoever such injury has occurred, and which have not been purposely self inflicted, or to their dependents in case death has ensued. Payments to employees.

SEC. 21-1. All employers who employ five or more workmen or operatives regularly in the same business, or in or about the same establishment who shall not pay into the State insurance fund the premiums provided by this act, shall be liable to their employees for damages suffered by reason of personal injuries sustained in the course of employment caused by the wrongful act, neglect or default of the employer, or any of the employer's officers, agents or employees, and also to the personal representatives of such employees where death results from such injuries and in such action the defendant shall not avail himself or itself of the following common-law defenses: Employers not paying premiums.

The defense of the fellow-servant rule, the defense of the ascription of risk, or the defense of contributory negligence. Defenses abrogated.

SEC. 21-2. But where a personal injury is suffered by an employee, or when death results to an employee from personal injuries while in the employ of an employer in the course of employment, and such employer has paid into the State insurance fund the premium provided for in this act, and in case such injury has arisen from the willful act of such employer or any of such employer's officers or agents or from the failure of such employer, or any of such employer's officers or agents, to comply with any municipal ordinance or lawful order of any duly authorized officer, or any statute for the protection of the life or safety of employees, then in such event, nothing in this act contained shall affect the civil liability of such employer, but such injured employee, or his legal representative in case death results from the injury, may, at his option, either claim compensation under this act or institute proceedings in the courts for his damage on account of such injury, and such employer shall not be liable for any injury to any employee, or to his legal representative in case death results, except as provided in this act. Injuries by willful acts of employers.

Every employee, or legal representative in case death results, who makes application for an award from the State liability board of awards, waives his right to exercise his option to institute proceedings in any court. Every employee or his legal representative in case death results, who exercises his option to institute proceedings in court as provided in section 21-2, waives his right to any award; except as provided in section 36 of this act. Application for award is waiver.

SEC. 23. The board shall disburse and pay from the fund, for such injury, to such employees, such amounts for medical, nurse and hospital services and medicines, as it may deem proper, not, however, in any case, to exceed the sum of two hundred dollars, in addition to such award to such employee. Medical, etc., expenses.

- Funeral expenses.** SEC. 24. In case death ensues from the injury reasonable funeral expenses, not to exceed one hundred and fifty dollars, shall be paid from the fund, in addition to such award to such employee.
- First week of disability.** SEC. 25. No benefit shall be allowed for the first week after the injury is received, except the disbursement provided for in the next two preceding sections.
- Temporary or partial disability.** SEC. 26. In case of temporary or partial disability, the employee shall receive sixty-six and two-thirds per cent of the impairment of his earning capacity during the continuance thereof, not to exceed a maximum of twelve dollars per week, and not less than a minimum of five dollars per week, if the employee's wages were less than five dollars per week, then he shall receive his full wages; but not to continue for more than six years from the date of the injury, nor to exceed three thousand four hundred dollars in amount from that injury.
- Permanent total disability.** SEC. 27. In case of permanent total disability the award shall be 66 $\frac{2}{3}$ % of the average weekly wage, and shall continue until the death of such person so totally disabled, but not to exceed a maximum of twelve dollars per week, and not less than a minimum of five dollars per week, if the employee's wages were less than five dollars per week, then he shall receive his full wages.
- Death.** SEC. 28. In case the injury causes death within the period of two years the benefits shall be in the amounts and to the persons following:
1. If there be no dependents, the disbursements from the insurance fund shall be limited to the expense provided for in sections 23 and 24.
  2. If there are wholly dependent persons at the time of the death, the payment shall be sixty-six and two-thirds per cent of the average weekly wage and to continue for the remainder of the period between the date of the death and six years after the date of the injury, and not to amount to more than a maximum of thirty-four hundred dollars, nor less than a minimum of one thousand five hundred dollars.
  3. If there are partly dependent persons at the time of the death, the payment shall be sixty-six and two-thirds per cent of the average weekly wage and to continue for all or such portion of the period of six years after the date of the injury, as the board in each case may determine, and not to amount to more than a maximum of thirty-four hundred dollars.
- Payments made, to whom.** SEC. 29. The benefits, in case of death, shall be paid to such one or more of the dependents of the decedent, for the benefit of all the dependents, as may be determined by the board, which may apportion the benefits among the dependents in such manner as it may deem just and equitable. Payment to a dependent subsequent in right may be made, if the board deem proper, and shall operate to discharge all other claims therefor.
- Distribution.** SEC. 30. The dependent or person to whom benefits are paid shall apply the same to the use of the several beneficiaries thereof according to their respective claims upon the decedent for support, in compliance with the finding and direction of the board.
- Basis of benefits.** SEC. 31. The average weekly wage of the injured person at the time of the injury shall be taken as the basis upon which to compute the benefits.
- Wages of young, etc., persons.** SEC. 32. If it is established that the injured employee was of such age and experience when injured as that under natural conditions his wages would be expected to increase, the fact may be considered in arriving at his average weekly wage.
- Adjustments.** SEC. 33. The power and jurisdiction of the board over each case shall be continuing, and it may from time to time make such modification or change with respect to former findings or orders with respect thereto, as, in its opinion, may be justified.
- Lump sums.** SEC. 34. The board, under special circumstances, and when the same is deemed advisable, may commute periodical benefits to one or more lump sum payments.

SEC. 35. Benefits before payment shall be exempt from all claims or creditors and from any attachment or execution, and shall be paid only to such employees or their dependents. Payments exempt.

SEC. 36. The board shall have full power and authority to hear and determine all questions within its jurisdiction, and its decision thereon shall be final. Decisions final.

*Provided, however,* In case the final action of such board denies the right of the claimant to participate at all in such fund on the ground that the injury was self-inflicted or on the ground that the accident did not arise in the course of employment, or upon any other ground going to the basis of the claimant's right, then the claimant within thirty (30) days after the notice of the final action of such board may, by filing his appeal in the common pleas court of the county wherein the injury was inflicted, be entitled to a trial in the ordinary way, and be entitled to a jury if he demands it. In such a proceeding, the prosecuting attorney of the county, without additional compensation, shall represent the State liability board of awards, and he shall be notified by the clerk forthwith of the filing of such appeal. Provido.

Within thirty days after filing his appeal, the appellant shall file a petition in the ordinary form against such board as defendant and further pleadings shall be had in said cause according to the rules of civil procedure, and the court, or the jury, under the instructions of the court, if a jury is demanded, shall determine the right of the claimant; and, if they determine the right in his favor, shall fix his compensation within the limits and under the rules prescribed in this act; and any final judgment so obtained shall be paid by the State liability board of awards out of the State insurance fund in the same manner as such awards are paid by such board. Appeals.

The costs of such proceeding, including a reasonable attorney's fee to the claimant's attorney to be fixed by the trial judge, shall be taxed against the unsuccessful party. Either party shall have the right to prosecute error as in the ordinary civil cases.

SEC. 36-1. Such board shall not be bound by the usual common law or statutory rules of evidence or by any technical or formal rules of procedure, other than as herein provided; but may make the investigation in such manner as in their judgment, is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this act. Rules of evidence, etc.

SEC. 37. The board may make necessary expenditures to obtain statistical and other information to establish the classes provided for in section 17. The salaries and compensation of the secretary, and all actuaries, accountants, inspectors, examiners, experts, clerks and other assistants, and all other expenses of the board herein authorized including the premium to be paid by the State treasurer for the bond to be furnished by him, shall be paid out of the State treasury upon vouchers, signed by two of the members of such board, presented to the auditor of State, who shall issue his warrant therefor as in other cases. Expenditures.

SEC. 38. No provision of this act relating to the amount of compensation shall be considered by, or called to the attention of the jury on the trial of any action to recover damages as herein provided. Benefits not measure of damages.

SEC. 39. Annually on or before the 15th day of November, such board, under the oath of at least two of its members, shall make a report to the governor which shall include a statement of the number of awards made by it, and a general statement of the causes of the accidents leading to the injuries for which the awards were made, a detailed statement of the disbursements from the expense fund, and the condition of its respective funds, together with any other matters which such board deems it proper to call to the attention of the governor, including any recommendations it may have to make. Reports.

**Expenses,** 1911; **Sec. 40.** The expense of such board in carrying out the provisions of this act shall be paid until January 1, 1912, out of the general revenue of the State not otherwise appropriated. Such expense shall not exceed twenty-five thousand dollars in addition to the salaries of members of such board.

1912. **Sec. 41.** The expenses of such board in carrying out the provisions of this act shall be paid from January 1st, 1912, to January 1st, 1913, out of the general revenue fund of the State not otherwise appropriated. Such expense shall not exceed one hundred thousand dollars in addition to the salary of the members.

Approved June 15, 1911.

## RESOLUTIONS.

### *Occupational diseases—Investigation.*

(Page 749.)

**Investigation authorized.** The State board of health is hereby authorized and directed to make a thorough investigation of the effect of occupations upon the health of those engaged therein with special reference to dust and dangerous chemicals and gases, to insufficient ventilation and lighting, and to such other unhygienic conditions as in the opinion of said board may be specially injurious to health, and to report to the next general assembly the results of such investigation, with such recommendations for legislative or other remedial measures as it may deem proper and advisable: *Provided*, That the cost of such investigation shall not exceed the sum of five thousand dollars.

Adopted May 17, 1911.

## OKLAHOMA.

### RESOLUTIONS—SECOND EXTRA SESSION, 1910.

#### SENATE CONCURRENT RESOLUTION No. 3.—*Union labor on capitol buildings.*

**Union labor preferred.** Union labor [shall] be employed throughout in the construction of all capitol buildings; when possible to procure same.

Adopted by the senate December 5, 1910.

Adopted by the house of representatives December 16, 1910.

## ACTS OF 1911.

### CHAPTER 125.—*Factory, etc., regulations—Sanitation.*

**Drainage and ventilation.** SECTION 1. Every room or building occupied as a bakery or confectionery, canning, packing, pickling or preserving establishment, or for the manufacture of any food product, shall be drained and plumbed in a manner conducive [conductive] to its healthful and sanitary condition, and constructed with air shafts and windows or ventilating pipes sufficient to insure ventilation, as the factory

inspector shall direct. No cellar or basement shall hereafter be used as a bakery, and on cellar occupied by a bakery on or before the passage of this act, when once closed, shall be again opened for

**Use of basements.** such use. Every bakery shall be provided with a wash room and a water-closet apart from the bake room and rooms where the manufacturing of such food products is conducted; no water-closet, earth closet or privy shall be within, or communicate directly with, a bake shop. Rooms used for the manufacture of flour or meal food shall be at least eight feet in height. The side walls of such rooms shall be plastered or wainscoted, the ceiling plastered or celled with lumber or metal, and, if required by the factory inspector, shall be whitewashed at least once in three months; the furniture, utensils and floor of such room shall be kept in a healthful sanitary condition. The manufactured flour or meal products

shall be kept in dry, clean and airy rooms. The sleeping places for persons employed in a bakery shall be separate from the rooms where food products are manufactured or stored. Sleeping places.

SEC. 2. No employer shall permit any person to work in his bake shop or other institution in which food stuffs are manufactured who is affected with pulmonary tuberculosis, scrofulous or venal [venereal] diseases, or with a communicable skin affection, and every employer shall maintain himself and his employees in a clean and sanitary condition while engaged in the manufacture, handling or sale of such food products. Every owner, agent or lessee of any establishment where food products are manufactured shall provide cuspidors or vessels to be used for expectoration purposes by employees; chairs shall also be furnished, and employees are hereby prohibited from sitting on any dough boards or tables used for the purpose of manufacturing, in any way whatever, any food products. Infectious and contagious diseases.  
Cuspidors.

SEC. 3. The owner, agent or lessee of any property used as a bakery or in manufacturing food stuff, shall within thirty days after the service of notice upon him of an order issued by the factory inspector, comply therewith, or cease to use or allow the use of such premises as a bake shop. Such notice shall be in writing and may be served upon such owner, agent or lessee either personally or by mail, and a notice of registered letter, mailed to the last known address of such owner, agent or lessee shall be sufficient service. A copy of the foregoing sections shall be conspicuously posted in each workroom of every establishment affected by the provision of this act. Time for compliance.

SEC. 4. There shall be sufficient means of ventilation provided in each workroom of every manufacturing or mercantile establishment, laundry, renovating works, bakery or printing office within this State, and the factory inspector shall notify the owner, agent or lessee, in writing, to provide, or cause to be provided, ample and proper means of ventilation for such workroom, and shall prosecute such owner, agent or lessee if such notification be not complied with within the time specified by the factory inspector, after service of such notice. Ventilation.

SEC. 5. The chief factory inspector, and deputy factory inspector, are hereby empowered to act as police officers with full power to arrest and detain any person found violating any of the provisions of this act, or any laws pertaining to factory inspection or parts thereof, or against whom there is found any evidence of a previous violation of such laws: *Provided, however,* That no such person shall be detained for any period of time longer than twenty-four hours without warrant or the filing of a charge against him in a court of competent jurisdiction. Enforcement.

SEC. 6. If, in the opinion of the factory inspector, or deputy factory inspector, any building being used as a manufacturing establishment or workshop is in an unsafe or dilapidated condition, thereby endangering human life or property, he shall immediately notify the owner, agent or lessee thereof, specifying the defect, and require such repairs and improvements to be made as he may deem necessary, and the owner of said premises shall immediately repair or correct such defects. Repairs, etc., may be required.

SEC. 7. Every owner or person in charge of any manufacturing establishment, factory or workshop, shall comply with any order issued by the factory inspector, or deputy factory inspector, within the time specified by such inspector, and notify the department of labor upon affidavit when such order has been complied with. Duty of owner.

SEC. 8. Any person, firm or corporation who fails to comply with any provisions of this act except as otherwise provided, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in a sum not less than ten dollars (\$10) nor more than one hundred dollars (\$100), for each offense. Violations.

Approved March 22, 1911.

CHAPTER 128.—*Commissioner of labor.*

SECTION 1. Sections 1 and 2 of article 1, chapter 53 of the Session Laws of 1907-08 of the State of Oklahoma, \* \* \* are hereby amended to read as follows:

## Duties.

Section 1. The duties and scope of the commissioner of labor is to carry into effect all laws in relation to labor, passed by the legislature, in regard to the transportation, mechanical and manufacturing industries of the state; to supervise the work of the different branches of his department, which shall be divided into four bureaus, as follows: Statistics; arbitration and conciliation; free employment and factory inspection. He shall appoint all officers, clerks and employees in the department of labor; to collect, assort and systematize reports of all persons, firms or corporations required to report to the commissioner of labor annually, and present the same to the legislature at the following session thereof, to compile statistical detailed reports relating to the commercial, industrial, educational and sanitary conditions of the people, included in the mining, transportation, transmission, commercial, mechanical and manufacturing industries of the State; he may administer oaths, issue subpoenas for the attendance of witnesses, and take testimony in all matters relating to the proper enforcement of all laws over which he has supervision of [under] this act. He shall also give bond of [with] approved security in the sum of ten thousand dollars (\$10,000), the same to be approved by the governor, for the faithful performance of his duties as defined by the laws passed by the legislature.

## Bureaus.

## Reports.

## Bond.

## Assistants.

Sec. 2. The commissioner of labor is hereby authorized to appoint an assistant at a salary of fifteen hundred dollars (\$1,500) per annum, payable monthly, who shall act as his deputy, if by reason of sickness, absence, or for other cause the commissioner of labor is temporarily unable to perform the duties of his office, and said assistant shall perform the duties of the office of commissioner of labor until such disability ceases and said assistant shall act as secretary to the board of arbitration and conciliation. He is also authorized to appoint one statistical clerk at a salary of fifteen hundred dollars (\$1,500) per annum, payable monthly; a deputy State factory inspector, who shall be under his supervision, and whose term of office shall be during the term of the commissioner of labor, unless sooner removed for cause, and who shall receive a salary of fifteen hundred dollars (\$1,500) per annum, payable monthly and one stenographer, at a salary of nine hundred dollars (\$900) per annum, payable monthly.

Hindering  
commissioner.

Sec. 3. No person shall interfere with, obstruct or hinder by force or otherwise the commissioner of labor, his deputies, assistants, or special agents, or factory inspectors while in the performance of their duties, or refuse to properly answer questions asked by such officers pertaining to the laws over which he has supervision under the provisions of this act, or refuse them admittance to any place where and when labor is being performed which is affected by the provisions of this act.

Approved March 22, 1911.

## OREGON.

## ACTS OF 1911.

CHAPTER 3.—*Liability of employers for injuries to employees.*

## Scope of law.

SECTION 1. All owners, contractors, subcontractors, corporations or persons whatsoever, engaged in the construction, repairing, alteration, removal or painting of any building, bridge, viaduct, or other structure, or in the erection or operation of any machinery, or in the manufacture, transmission and use of electricity, or in the manufacture or use of any dangerous appliance or substance, shall see that all metal, wood, rope, glass, rubber, gutta-

percha, or other material whatever, shall be carefully selected and inspected and tested so as to detect any defects, and all scaffolding, staging, false work or other temporary structure shall be constructed to bear four times the maximum weight to be sustained by said structure, and such structure shall not at any time be overloaded or overcrowded; and all scaffolding, staging or other structure more than twenty feet from the ground or floor shall be secured from swaying and provided with a strong and efficient safety rail or other contrivance, so as to prevent any person from falling therefrom, and all dangerous machinery shall be securely covered and protected to the fullest extent that the proper operation of the machinery permits, and all shafts, wells, floor openings and similar places of danger shall be enclosed, and all machinery other than that operated by hand power shall, whenever necessary for the safety of persons employed in or about the same or for the safety of the general public, be provided with a system of communication by means of signals, so that at all times there may be prompt and efficient communication between the employees or other persons and the operator of the motive power, and in the transmission and use of electricity of a dangerous voltage full and complete insulation shall be provided at all points where the public or the employees of the owner, contractor or subcontractor transmitting or using said electricity are liable to come in contact with the wire, and dead wires shall not be mingled with live wires, nor strung upon the same support, and the arms or supports bearing live wires shall be especially designated by a color or other designation which is instantly apparent and live electrical wires carrying a dangerous voltage shall be strung at such distance from the poles or supports as to permit repair-men to freely engage in their work without danger of shock; and generally, all owners, contractors or subcontractors and other persons having charge of, or responsible for, any work involving a risk or danger to the employees or the public, shall use every device, care and precaution which it is practicable to use for the protection and safety of life and limb, limited only by the necessity for preserving the efficiency of the structure, machine or other apparatus or device, and without regard to the additional cost of suitable material, or safety appliance and devices.

Inspection.

Scaffolds, etc.

Guards for machinery.

Signals.

Electric installation.

Sec. 2. The manager, superintendent, foreman or other person in charge or control of the construction or works or operation, or any part thereof, shall be held to be the agent of the employer in all suits for damages for death or injury suffered by an employee.

Managers, etc.

Sec. 3. It shall be the duty of owners, contractors, subcontractors, foremen, architects or other persons having charge of the particular work, to see that the requirements of this act are complied with, and for any failure in this respect the person or persons delinquent shall, upon conviction of violating any of the provisions of this act, be fined not less than ten dollars, nor more than one thousand dollars, or imprisoned not less than ten days, nor more than one year, or both, in the discretion of the court, and this shall not affect or lessen the civil liability of such persons as the case may be.

Duty of owners, etc.

Sec. 4. If there shall be any loss of life by reason of the neglects or failures or violations of the provisions of this act by any owner, contractor or subcontractor, or any person liable under the provisions of this act, the widow of the person so killed, his lineal heirs or adopted children, or the husband, mother, or father, as the case may be, shall have a right of action without any limit as to the amount of damages which may be awarded.

Right of action.

Sec. 5. In all actions brought to recover from an employer for injuries suffered by an employee the negligence of a fellow servant shall not be a defense where the injury was caused or contributed to by any of the following causes, namely: Any defect in the structure, materials, works, plant or machinery of which the employer or his agent could have had knowledge by the exercise of ordinary care; the neglect of any person engaged as superintendent, manager, foreman, or other person in charge or control of

Defense of fellow-service.

the works, plant, machinery or appliances; the incompetence or negligence of any person in charge of, or directing the particular work in which the employee was engaged at the time of the injury or death; the incompetence or negligence of any person to whose orders the employee was bound to conform and did conform and by reason of his having conformed thereto the injury or death resulted; the act of any fellow servant done in obedience to the rules, instructions or orders given by the employer or any other person who has authority to direct the doing of said act.

Negligence to be measured. SEC. 6. The contributory negligence of the person injured shall not be a defense, but may be taken into account by the jury in fixing the amount of the damage.

Adopted by referendum; proclaimed by governor December 3, 1910.

CHAPTER 25.—*Intoxicants—Sale near labor camps.*

Six-mile limit. SECTION 1. It shall be unlawful hereafter for any person, firm or corporation to locate any saloon, sell or give, or offer to sell or give away, dispose of or furnish any person with any vinous, malt or spirituous liquor, within six miles of any public work being constructed within the State of Oregon, by the Government of the United States or of the State of Oregon, their contractors, authorized agents or representatives.

Same. SEC. 2. No person shall be permitted to sell, offer to sell or give away or dispose of or furnish any person with any spirituous, malt or vinous liquors or fermented cider, commonly known as hard cider, within six miles of any public work being constructed within the State of Oregon by the Government of the United States or by the State of Oregon, and in no case shall a license be granted for such sale within a distance of six miles from said public work: *Provided*, That the provisions of this act shall not apply to any city or town within this State now incorporated or that may hereafter be incorporated.

Proviso. VIOLATIONS. SEC. 3. Any person violating the provisions of this act shall be fined in the sum of not less than \$50 or more than \$250, or by imprisonment in the county jail for not less than two months or not more than six months, or by both fine and imprisonment.

Filed in the office of the secretary of state February 9, 1911.

CHAPTER 39.—*Railroads—Shelters over repair tracks.*

Sheds to be constructed. SECTION 1. It shall be unlawful for any railroad company, corporation, association or other person owning, controlling or operating any line of railroad in the State of Oregon, to build, construct, or repair railroad car equipment in the State without first erecting and maintaining at every division terminal or other point where five men or more, not including car inspectors, are regularly employed on such repair work, a shed over a sufficient portion of the tracks used for such repair work, so as to provide that all men regularly employed in the construction and repair of cars, trucks, or other railroad car equipment, shall be sheltered and protected from rain and other inclement weather: *Provided, however*, That the provisions of this act shall not apply at points where less than five men are regularly employed in the repair service, nor at points where it is necessary to make light repairs only on cars, nor to cars loaded with time or perishable freight, nor to cars when trains are being held for the movement of cars.

Proviso. VIOLATIONS. SEC. 2. Any railroad company or officer or agent thereof, or any other person, who shall violate the provisions of this act, by failing or refusing to comply with its provisions, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$50 nor more than \$100, and each day's failure or refusal to comply with the provisions of this act, shall be considered a separate offense.

SEC. 3. All persons or corporations affected by this act shall have until November 1, 1911, within which to comply with the provisions hereof. Law takes effect, when.

Filed in the office of the secretary of state February 11, 1911.

CHAPTER 48.—*Inspection of factories, etc.—Certificates.*

[This chapter amends sections 7c and 7e of chapter 130, Acts of 1909, (secs. 5049, 5051, Lord's Oregon Laws), by adding to the former a proviso exempting from the application of the statute plants using not more than two horse power; and to the latter a proviso limiting the amount of the special factory inspection fund, directing that sums on hand at the end of the fiscal year in excess of \$3,000 shall be transferred to the general fund.] Exemptions.  
Fees.

Filed in the office of the secretary of state February 11, 1911.

CHAPTER 73.—*Badges of labor organizations.*

SECTION 1. It is unlawful for any person not a member thereof to wear or display any badge, button, insignia, rosette or other emblem of any order, society or organization. Use of badge by nonmembers.

SEC. 2. It is unlawful for any person not a member of any order, society or organization to use the name of any such order, society or organization to seek or obtain aid or assistance from any member thereof or from the public by virtue of claiming or representing himself, herself or itself to be entitled thereto as a member of any such order, society or organization when not a member thereof. Seeking aid.

SEC. 3. The word "person" hereinafter used in this act shall include every man, woman and every association voluntary or incorporated and every corporation whatsoever in this State or coming into the State. The words "order, society or organization" hereinafter used in this act shall include every labor organization or association \* \* \* Definitions.

Filed in the office of the secretary of state February 15, 1911.

CHAPTER 74.—*Logging engineers, etc.—Age limit.*

SECTION 1. It shall be unlawful for any person, firm or corporation to employ or allow any person under the age of eighteen years to act as engineer of or have charge of or operate any logging engine or engines used in logging operations, or to employ or allow any person under the age of sixteen years to act in the capacity of giving signals to the engineer in logging operations or receiving and forwarding such signals. Any person, firm or corporation, and the agent, manager, or superintendent thereof, 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 ten dollars (\$10) nor more than one hundred (\$100), or by imprisonment in the county jail not less than thirty days, nor more than six months, or by both such fine and imprisonment. Eighteen years minimum;  
Sixteen years.  
Violations.

Filed in the office of the secretary of state February 15, 1911.

CHAPTER 102.—*Accidents to be reported.*

SECTION 1. Any person, firm or corporation, employing labor, who employs more than three persons at the same time shall report to the commissioner of labor statistics and inspector of factories and workshops any and all accidents happening to any person in their employment, directly or indirectly, due to said employment, and said person, firm or corporation are required to give the name, sex, age, and the particular employment of the person so injured and explain the nature of the accident and the date and place of occurrence of the same: *Provided, however,* Who to report accidents.

That no such report need be made if the person be not in any way incapacitated from immediate continuance of his duties, and the services of a physician be not required. When any personal injury, of which notice is required be sent to the commissioner of labor statistics and inspector of factories and workshops under this act, results in the death of the person injured, notice in writing of the death of such person shall be sent forthwith to the commissioner of labor statistics and inspector of factories and workshops.

Death.

Records.

SEC. 2. It shall be the duty of the commissioner of labor statistics and inspector of factories and workshops to keep a correct record of all accidents and deaths reported to his office, giving the cause of the accident, or death, the particular industry or employment in which the person was injured, where the accident, or death occurred, and publish the same in his biennial report.

Violations.

SEC. 3. Any employer of labor who shall fail to report such accident within five days from its occurrence shall be liable to a fine of not less than \$25 and not to exceed \$500 or to imprisonment in the county jail for not less than five (5) days nor more than six (6) months, or both, in the discretion of the court.

Filed in the office of the secretary of state February 18, 1911.

#### CHAPTER 135.—*Intoxicants—Use on engines, etc.*

Use of liquor forbidden.

SECTION 1. It shall be unlawful for any person to enter or be found in a state of intoxication or to drink intoxicating liquors of any kind as a beverage in or upon any engine, car, train of cars, or depot of any common carrier within the State of Oregon: *Provided*, That nothing in this act shall be so construed as to prevent the use or sale of liquors upon any buffet, dining or private cars.

Filed in the office of the secretary of state February 21, 1911.

#### CHAPTER 137.—*Hours of labor of employees on railroads.*

Scope of law.

SECTION 1. The provisions of this act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad wholly within the State of Oregon. The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement or lease; and the term "employees" as used in this act shall be held to mean persons actually engaged in or connected with the movement of any train.

Definitions.

Fourteen-hour day.

SEC. 2. It shall be unlawful for any common carrier, its officers or agents, subject to this act to require or permit any employee subject to this act to be or remain on duty for a longer period than fourteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for fourteen hours, he shall be relieved and not required or permitted

Ten hours rest.

again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty fourteen hours in the aggregate in any twenty-four hour period, shall be required or permitted to continue or again go on duty without

Nine-hour day.

having had at least eight consecutive hours off duty: *Provided*, That no operator, train dispatcher, or other employee who by the use of the telegraph or telephone dispatches, reports, transmits, receives or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four hour period in any towers, offices, places, and stations operated only during the daytime, except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four hour period on not exceeding three days in any week.

Violations.

SEC. 3. Any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty

in violation of the second section hereof, shall be liable to a penalty of not to exceed five hundred dollars for each and every violation, to be recovered in a suit or suits to be brought by the attorney general or the district attorney in the district where such violation shall have been committed; and it shall be the duty of such attorney general or district attorney to bring such suits upon satisfactory information being lodged with him; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the railroad commission of Oregon, to lodge with the attorney general or proper district attorneys information of any such violations as may come to its knowledge. In all prosecutions under this act the common carrier shall be deemed to have had knowledge of all acts of all its officers and agents: *Provided*, That the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen [foreseen]: *Provided, further*, That the provisions of this act shall not apply to the crews of wrecking or relief trains.

Exceptions.

SEC. 4. It shall be the duty of the railroad commission to execute and enforce the provisions of this act, and all powers granted to the railroad commission are hereby extended to it in the execution of this act.

Enforcement.

Filed in the office of the secretary of state February 21, 1911.

CHAPTER 138.—*Employment of children—General provisions.*

SECTION 1. An act \* \* \* [p. 79, Acts of 1903], as amended by an act \* \* \* [chap. 208, Acts of 1905], is hereby amended to read as follows:

Section 2. No child under fourteen years of age shall be employed, permitted, or suffered to work in, or in connection with, any factory, workshop, mercantile establishment, store, business office, restaurant, bakery, hotel or apartment house. No child under the age of sixteen shall be employed, permitted or suffered to work in the telegraph, telephone, or public messenger service.

Age limit.

Sec. 3. No child under the age of fourteen years shall be employed in any work, or labor in any form, for wages or other compensation to whomsoever payable, during the term when the public schools of the town, district, or city in which he or she resides are in session.

Employment during school time.

Sec. 4. Attendance at school shall be compulsory upon all children between the ages of nine and fourteen years in all cities, towns, and villages of the State of Oregon during the whole of the school term in the city, town or village in which the child resides, and upon all children in such cities, towns and villages between the ages of fourteen and sixteen years who are not legally employed in some lawful work.

School attendance required.

Sec. 5. No child under sixteen years of age shall be employed at any work before the hour of seven in the morning, or after the hour of six at night, nor employed for longer than ten hours for any one day, nor more than six days in any one week; and every such child, under sixteen years of age, shall be entitled to not less than thirty minutes for meal time at noon, but such meal time shall not be included as part of the work hours of the day; and every employer shall post in a conspicuous place where such minors are employed, a printed notice stating the maximum work hours required in one week, and in every day of the week from such minors.

Night work.

Sec. 6. No child under sixteen years of age shall be employed, permitted or suffered to work in any employment enumerated in section 2 unless the person or corporation employing him procures and keeps on file and accessible to the school authorities of the district where such child resides, and to the police and board of

Certificate to be on file.

inspectors of child labor an age and schooling certificate as hereinafter prescribed, and keep a complete list of all such children employed therein.

- Who may issue. Sec. 7. An age and schooling certificate shall be executed, issued and approved only by the secretary of the board of inspection of child labor, or by a person authorized by him or her in writing: *Provided*, That no person authorized as aforesaid shall have authority to approve such certificate for any child then in or about to enter his own employment, or the employment of a firm or corporation of which he is a member, officer or employee. The person approving the certificate shall have authority to administer the oath provided for therein, but no fees shall be charged therefor, but in case of the loss of such certificate a certified copy may be furnished, for which a fee of fifty cents may be charged.
- Evidence of age. Sec. 8. An age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the passport, the duly attested transcript of the certificate of birth or baptism of such child or other religious record, or the register of birth of such child with a town or city, that such child is of the age stated in the certificate.
- Duplicate copy. Sec. 9. A duplicate of each age and schooling certificate shall be filled out and kept on file by the secretary of the board of inspection of child labor. Any explanatory matter may be printed with such certificate in the discretion of the secretary. The age and schooling certificate shall be printed and shall be filled out, signed and held or surrendered as indicated in the following form:

AGE AND SCHOOLING CERTIFICATE.

Form. This certifies that I am the (father, mother, guardian or custodian) of (name of child) -----, and that (he or she) was born at (name of town or city)-----, in the county of (name of county, if known), and State (or country) of ----- on the (day and year of birth) -----, and is now (number of years and months) ----- old. -----

(Signature of father, mother, guardian or custodian.)

(Town or city and date.)

Then personally appeared before me the above named (name of person signing). -----, and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief. I hereby approve the foregoing certificate of (name of child) ----- height (feet and inches) ----- eyes (color) -----, complexion (fair or dark), hair (color), having no sufficient reason to doubt that (he or she) is of the age therein certified. I hereby certify that (he or she) can read at sight and (can or cannot) write legibly simple sentences in the English language, and that (he or she) has reached the normal development of a child of (his or her) age, and is in sound health and is physically able to perform the work which (he or she) intends to do, and that (he or she) has regularly attended the public schools or a school equivalent thereto, for not less than 160 days during the school year previous to arriving at the age of 14 years, or during the school year previous to applying for such school record, and has received during such period instruction in reading, spelling, writing, English grammar, and geography, and is familiar with the fundamental operations of arithmetic to and including fractions.

This certificate belongs to (name of child in whose behalf it is drawn) -----, and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same, but if not claimed by said child within thirty days from such time it shall be returned to the secretary of the board of inspectors of child labor.

(Signature of person authorized to approve and sign, with official character or authority.)  
(Town or city and date.)

Sec. 10. A failure to produce to the school authorities of the district where such child resides and to the police and to the board of inspectors of child labor any age and schooling certificate or list required by this act shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate is not produced or whose name is not so listed. Any corporation or employer retaining any age and schooling certificate in violation of section 5, of this act shall be fined \$10. Every person authorized to sign the certificate prescribed by section 5 of this act who knowingly certifies to any material false statement therein shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$5 and not more than \$50.

Evidence of illegal employment.

The board of inspectors of child labor or any one or more of them or any one authorized by such board in writing may visit the factories, workshops and mercantile establishments in their several towns and cities and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the proper school authorities and to the district attorney of the county. The board of inspectors of child labor may require that the age and schooling certificates and lists provided for by this act, of minors employed in such factories, workshops, or mercantile establishments, shall be produced for their inspection. Complaints for offenses under this act shall be brought by the board of inspectors of child labor to the attention of the proper district attorney and offenses hereunder shall be prosecuted by such district attorney.

Enforcement.

Sec. 11. Any person or corporation who shall employ a minor contrary to the provisions of this act, or who shall violate any of the provisions thereof, shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than \$10 nor more than \$25 for the first offense, nor less than \$25 nor more than \$50 for the second offense, and be imprisoned for not less than ten nor more than 30 days for the third and each succeeding offense.

Violations by employers.

Sec. 12. Any parent or guardian who shall violate any of the provisions of this act or allow any child under their custody or control to be employed contrary to the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$5 and not more than \$25.

By parents.

Sec. 13. The board of inspectors of child labor may in its discretion allow children between the ages of twelve and fourteen to be employed in any suitable work during any school vacation extending over a term of two weeks and may issue permits therefor. It shall be the duty of such board to exercise careful discretion as to the character of such employment and its effect on the physical and moral well-being of the child.

Vacation employment.

Sec. 14. The board of inspectors of child labor of the State of Oregon, heretofore appointed such board under the provisions of the act of which this is amendatory, and now serving are hereby appointed a board of inspectors of child labor of the State of Oregon, and shall serve without compensation, except that the secretary of such board of inspectors who shall be a member of such board, shall be allowed a yearly salary not exceeding one thousand five hundred dollars. The term for which such inspectors shall serve shall be one, two, three, four and five years, respectively, from the time of their original appointment, the terms to remain as already determined by lot under said original act, and upon the expiration of the term of any one of said inspectors the governor shall appoint his or her successor to serve for a term of five years. Appointments shall be so made that three at least of said inspectors shall always be women.

Board not compensated.

Secretary.

Sec. 15. No person under the age of eighteen years shall be employed or permitted to work as a messenger for a telegraph or messenger company or any one engaged in such a business in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day.

Night messenger service.

Filed in the office of the secretary of state February 21, 1911.

CHAPTER 139.—*Railroads—Discharge of bonded employees.*

Statement of cause to be furnished.

SECTION 1. In case of any dispute or disagreement between any bonded employee, or employees, of any railroad, as the word "railroad" is defined in section 11 of chapter 53 of the General Laws of Oregon for the year 1907, which dispute shall result in the discharge or termination of the services of said bonded employee, or employees, it shall be the duty of the said railroad to furnish to such bonded employee, or employees, so discharged, upon request, a copy of the charges filed against said employee, or employees, as a result of which the services of said employee, or employees, shall have been discontinued: *Provided, however,* That if no written charges have been filed against such employee, or employees, as a result of which their services shall have been terminated, it shall be the duty of said railroad to furnish the employee, or employees, so discharged, with a written statement of the reasons for the discharge of said employee, or employees, within five days from the date of the termination of the services of said employee, or employees.

Failure to furnish statement.

SEC. 2. Should the said railroad fail to furnish to said bonded employee, or employees, a copy of the charges filed against said employee, or employees, or fail to furnish in writing to said employee, or employees, a written statement of the charges against him, giving the reasons for his, or their, discharge, within five days from the date of the termination of said services, then and in that event the said employee, or employees, shall have the right to complain thereof to the railroad commission of the State of Oregon, for the purpose of determining the reasons for said discharge, and in case said bonded employee or employees are charged with any offense involving moral turpitude upon complaint being made by any bonded employee, or employees, as aforesaid, that the cause of discharge of said employee, or employees, was untrue, the commission shall notify the railroad complained of that complaint has been made, and ten days after such complaint has been made, the railroad commission shall proceed to investigate the same: *Provided, however,* That before proceeding to make such investigation, the commission shall give the railroad and the complainant, or complainants, ten days' notice of the time and place when and where such complaint will be considered and determined, and said parties shall be entitled to be heard, and shall have process to enforce attendance of witnesses, and to compel the said railroad to present before the commission at the time and place of said hearing all the documentary evidence in the possession of said railroad bearing upon the complaint filed against it, and if upon such investigation and hearing it shall appear to the commission that the charge against said employee, or employees, was untrue, the commission shall make a finding of fact to that effect recommending the reinstatement of said employee or employees, and furnish a copy thereof to the complainant.

Investigation.

Powers of commission.

SEC. 3. The railroad commissioners for the purpose mentioned in this act shall have the power: (a) To administer oaths; (b) to certify to official acts; (c) issue subpoenas to compel the attendance of witnesses; (d) to provide for the production of papers, contracts, books, accounts, documents and testimony; (e) to provide for the disobedience on the part of any person, or persons, to comply with the orders of the commission, or any commissioner, in respect thereto, or any refusal of any witness to testify in any matter regarding which he may be lawfully interrogated; (f) to provide for the fees and mileage of witnesses; (g) to punish said witness, or witnesses for the disobedience of any subpoena issued by the commission upon any hearing held in accordance with this act; and (h) generally to provide for the taking of testimony, and for the recording of the proceedings held before said railroad commission in accordance with the provisions of this act.

SEC. 4. It shall be the duty of the circuit court of any county of the State, or the judge thereof, on application of the railroad commission, or of any commissioner, to compel the attendance of witnesses before the railroad commission in hearings in accordance with this act, by attachment proceeding, or contempt, as in the case of the disobedience of the requirements of a subpoena issued from said court, or a refusal to testify therein. Attendance of witnesses.

SEC. 5. Any person, or persons, who shall neglect or refuse to attend before the railroad commission in accordance with this act, and testify or to answer any legal inquiry, or to produce books, papers, contracts, accounts, or documents within his power to do so, in obedience to the subpoena or lawful requirements of the railroad commission as herein provided for, shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine of not less than \$100, or more than \$1,000, or by imprisonment in the county jail of not more than one year, or by both said fine and imprisonment. Failure to appear.

Filed in the office of the secretary of state February 21, 1911.

CHAPTER 173.—*Accident insurance.*

SECTION 1. On and after September 1, 1911, no policy of insurance against loss or damage from disease or by the bodily injury by accident, or both, \* \* \* unless it contains in substance the following provisions: Provisions required.

\* \* \* \* \*

(f) A provision that if the insured is injured or contracts disease after having changed his occupation to one classified by the corporation as more hazardous than that stated in the policy, or while he is doing any act or thing pertaining to any occupation so classified (except ordinary duties after [about] his residence or while engaged in recreation) the corporation shall pay such proportion of the indemnities provided in the policy as the premium paid would have purchased at the rate but within the limits fixed by the corporation for such more hazardous occupation according to the corporation's rates and classification of risks filed with the insurance commissioner in this State prior to the occurrence of the injury or the commencement of the disease for which indemnity is claimed; Change of occupation.

SEC. 6. Nothing in this act, however, shall apply to or affect any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, co-partnership, association or individual employer, policy [police] or fire department, underwriters corps, salvage bureau, or like associations or organizations, when [where] the officers, members or employees or classes or departments thereof are insured against specified accidental bodily injuries or diseases while exposed to the hazards of the occupation or otherwise for a premium intended to cover the risks of all the persons insured under such policy; \* \* \* Blanket policies.

Filed in the office of the secretary of state February 23, 1911.

CHAPTER 219.—*Railroads—Blocking frogs, etc.—Flagmen.*

SECTION 1. Every person or corporation owning or operating a railroad in this State, shall be and is hereby required on or before the first day of July, 1912, to so adjust, fill, block and securely guard the frogs, switches and guardrails of their roads as to protect and prevent the feet of employees and other persons from being caught therein. No person or corporation owning or operating a railroad within this State shall employ or use as a flagman on or in connection with the operation of any passenger train any person who cannot read and write and speak the English language or any person who is less than 21 years of age. Guards for frogs, etc.

**Liability.** SEC. 2. Any person or corporation owning or operating a railroad in this State, shall be liable for any damage caused from a failure to comply with the provisions of this act.

**Violations.** SEC. 3. Any person or corporation owning or operating any railroad in this State, failing to comply with the provisions of this act within the time limited, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than five hundred dollars nor more than two thousand dollars.

Filed in the office of the secretary of state February 23, 1911.

CHAPTER 266.—*State printing office—Rates of wages.*

**State printer.** SECTION 7. The State printer may employ such foremen, proof-readers, compositors, pressmen and laborers as may be required for the prompt and efficient operation of the State printing department and may discharge the same whenever he deems it advisable for the business-like conduct of the State printing department.

**Rates of wages.** He shall contract in the name of the State of Oregon for the service of all persons employed, at the rate paid by printing establishments generally throughout the State of Oregon, for similar services, and he shall not pay or contract to pay, any premiums, bonuses or any amount in excess of the regular scale of wages so generally paid throughout the State to any employee without first and in each and every case, obtaining permission so to do from the State printing board.

Filed in the office of the secretary of state February 23, 1911.

CHAPTER 270.—*Accidents on railroads, etc.*

**Fatal accidents.** SECTION 73. Every public utility shall, whenever an accident attended with loss of human life occurs within this State upon its premises or directly or indirectly arises from or connected with its maintenance or operation, give immediate notice thereof to the [railroad] commission. In the event of any such accident the commission, if it deem the public interest require it, shall cause an investigation to be made forthwith, which investigation shall be held in the locality of the accident, unless for greater convenience of those concerned it shall order such investigation to be held at some other place; and said investigation may be adjourned from place to place as may be found necessary and convenient. The commission shall seasonably notify the public utility of the time and place of the investigation.

Filed in the office of the secretary of state February 24, 1911.

PENNSYLVANIA.

ACTS OF 1911.

*Hours of labor of hoisting engineers at anthracite mines.*

(Page 102.)

**Eight-hour day.** SECTION 1. On and after the passage of this act, no person engaged as hoisting-engineer at or about the anthracite coal-mines of this Commonwealth, parts of whose duties it is to lower men and boys into, and hoist them and coal from, the said mines, shall be engaged for a longer period than eight hours out of each day of twenty-four hours.

**Violations.** SEC. 2. Any person, persons, firm, partnership, corporation, or their agents, managers, or superintendents, violating any of the provisions of section one of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not less than twenty-five dollars (\$25), and not more than one hundred dollars (\$100).

Approved the 29th day of April, 1911.

*Mine regulations—Inspection districts—Inspector.*

(Page 120.)

[This act amends the act of 1901 relative to anthracite coal mines by providing for an eighth inspection district, comprising Susquehanna, Wayne and Sullivan counties, and providing for an inspector therefor. It also provides for the appointment of temporary inspectors to fill vacancies, but such appointees must have an inspector's certificate].

Additional district.

Temporary inspectors.

Approved May 5, 1911.

*Employment of children—School attendance.*

(Page 309.)

SECTION 1416. The provisions of this act requiring regular attendance shall not apply to any child, between the ages of fourteen and sixteen years, who can read and write intelligently and is regularly engaged in any useful and lawful employment or service during the time the public schools are in session, and who holds an employment certificate issued according to law.

Exempt children.

SEC. 1419. Every person, firm, association, or corporation in this Commonwealth accepting service from, or employing, a child or children, between the ages of fourteen and sixteen years, during the hours when the public schools are in session, shall, on or before the first day of September in each year, and quarterly thereafter, during the period of compulsory attendance, furnish to the superintendent of schools, supervising principal, or secretary of the board of school directors of the district in which such child or children reside, the name, age, place of residence, and name of parent or guardian, of every such child in his or its employ or service. Such reports shall be made upon blanks to be furnished by the superintendent of public instruction at the expense of the Commonwealth.

Employers to furnish names.

SEC. 1420. Every person, firm, association, or corporation in this Commonwealth accepting service from, or employing, a child or children, between the ages of fourteen and sixteen years, during the hours when the public schools are in session, and during the period of compulsory attendance in any school district, shall make a true and correct list of all such children, giving their names, ages, places of residence, names of parents or guardians, the dates of and names of the persons issuing the employment certificates, and the time of beginning and ending of service with him or it, which list shall be clearly written or printed and kept publicly posted at the place of employment of such child, where the same may be inspected by any member of the board of school directors or the secretary thereof, by the district superintendent, the supervising principal, or the attendance officer of any school district, at any time during business hours.

List to be posted.

SEC. 1421. No person in this Commonwealth, either for himself or for any firm, association, or corporation, shall, during the term of compulsory attendance as fixed by the board of school directors in any school district, and during the hours the public schools are in session, accept service from, engage, or employ any child or children between eight and fourteen years of age; nor shall he accept service from, engage, or employ any child or children between the ages of fourteen and sixteen years, unless such child shall first furnish and deliver to such employer an employment certificate issued according to law.

Children under fourteen.

Under sixteen.

SEC. 1422. Any person or persons accepting service from, or engaging or employing, any child between eight and fourteen years of age during the term of compulsory attendance, and while the public schools are in session, or accepting service from, engaging, or employing any child during the same period of time, between the ages of fourteen and sixteen years, without being first furnished by such child with an employment certificate, or

Violations.

failing to furnish to the district superintendent of schools, supervising principal, attendance officer, or secretary of the board of school directors the information required by this act concerning the children employed by him or them, or shall fail to post for inspection at the place of employment of such children the list of children engaged by him or them, as required by the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished for a first offense by a fine of not less than ten dollars (\$10) or more than twenty-five dollars (\$25) or ten days' imprisonment in the county jail, or either or both, at the discretion of the court, and for a subsequent offense shall be punished by a fine of not less than twenty dollars (\$20) or more than fifty dollars (\$50), or ninety days' imprisonment in the county jail, or either or both, at the discretion of the court.

Approved, the 18th of May, 1911.

*Employment of children in coal mines and breakers.*

(Page 537.)

Lunch time. [This act amends act No. 210, Acts of 1909, by reducing the time for the midday meal from 45 minutes to 30 minutes.]

Approved June 1, 1911.

*Factory regulation—Foundries.*

(Page 673.)

Wash rooms. SECTION 1. Every person, firm, or corporation, being the owner or lessee of any foundry for the casting of iron, steel, brass, or other metal, wherein ten or more men shall be employed, shall cause to be established and maintained in a place conveniently accessible, and connected with said foundry in such a manner that access thereto can be had without exposure to the open air, a toilet room of suitable size, wherein said employees may change their clothes; such toilet room shall be provided with washbowls, sinks, or other suitable fixed appliances, duly connected and supplied with running hot and cold water. There shall also be established and maintained, separate from said toilet room, a suitable water-closet.

Access. SEC. 2. The said toilet room and the said water-closet shall be connected with the foundry building in such a way that access thereto may be had without exposure to the open air, and shall be properly heated, ventilated, cleaned, and protected, so far as reasonably practicable, from the dust of such foundry.

Violations. SEC. 3. Any person, firm, or corporation who or which shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof before any magistrate, alderman, or justice of the peace, shall be sentenced to a fine not exceeding one hundred dollars.

Approved the 7th day of June, 1911.

*Factory regulations—Fire drills.*

(Page 677.)

Fire drills monthly. SECTION 1. In all factories and industrial establishments where women or girls are employed, and where fire escapes, appliances for the extinguishment of fires, or proper and sufficient exits in case of fires or panic, either or all, are required by law to be maintained, fire drills shall be periodically conducted, not less than once a month, by the person or persons in charge, under rules and regulations to be promulgated, in cities of the first and second classes, by the fire marshal, and, elsewhere in the Commonwealth, by the chief factory inspector, in which the persons employed in such factories or establishments shall be instructed in, and made thoroughly familiar with, the use of the

said fire escapes, appliances, and exits; which said drill shall include the actual use of the same, and the complete removal of the persons, in an expeditious and orderly manner, by means of such fire escapes and exits, from the building to a place of safety on the ground outside.

SEC. 2. The fire marshal and his assistants in cities of the first and second classes, and the chief factory inspector and several deputy inspectors elsewhere in the Commonwealth, are hereby required to see that the provisions of this act are faithfully carried out.

SEC. 3. Any person who violates or fails to comply with the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), and to undergo imprisonment in the county jail for not less than ten days nor more than sixty days, either or both.

Approved The 7th day of June, 1911.

*Licensing, registration, etc., of plumbers—Cities of the first class.*

(Page 680.)

SECTION 1. On and after the first day of January (1912), nineteen hundred and twelve, it shall not be lawful for any person to carry on or work at the business of plumbing or house drainage in cities of the first class, having a system of sewerage, and water supply, of this Commonwealth, until a certificate or license to engage in or work at said business shall have been granted said persons by the director of the department of public health and charities, or the department or bureau or board of health, of such cities; nor until they have registered as such in the office of the board or bureau of health of said cities: *Provided, however,* That nothing in this act shall be construed to prevent the employment or working of apprentices, under the direction of duly registered and licensed master or employing plumbers: *And provided further,* That master or employing plumbers, duly registered and licensed, and having a bona fide place of business in said cities of the first class at the time of the passage of this act, and journeymen plumbers who have served not less than four years apprenticeship, shall not be required to undergo any examination, and they shall be entitled to register; provided said persons, firms, or corporations register prior to January first, one thousand nine hundred and twelve, and annually thereafter between the first and thirty-first days of December of each year, as per section two of this act.

SEC. 2. All and every person or persons, engaged or engaging in the business or work of plumbing and house drainage in cities, shall apply in writing to the said director of the department of public health and charities, department or board or bureau of health, for such certificate or license; and if, after proper examination made by the board or bureau of health of said cities, such person or persons so applying shall be found competent, the same shall be certified to the director of public health and charities, department or board or bureau of health, who shall thereupon issue a certificate or license to such persons, which shall for the period of one calendar year, or fractional part thereof, next ensuing the date of such examination, entitle him or them to engage in or work at the business of plumbing and house drainage.

A register of all such applicants and the license or certificates issued shall be kept in said department, which said register shall be open to the inspection of all persons interested therein.

The director of the department of public health and charities is hereby authorized to appoint a board of examiners, to consist of the health officer or superintendent of the department or board or bureau of health, one plumbing inspector, and two competent plumbers in no wise connected with the city government, who shall examine all applicants for license under the provisions of this act.

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Enforcement.

Violations.

License re-  
quired.

Provisos.

Applications.

Certificates.

Examiners.

The said board shall make all reasonable rules, regulations, and examinations, which shall be approved by the said director of the department of public health and charities. An examination of any one member of a firm or corporation, or of the superintendent or foreman thereof, shall be deemed sufficient.

**Fees.**

Said person or persons, firm or corporation, engaged or engaging in the business of plumbing or house drainage, shall pay for each examination the sum of five dollars, and each journeyman or person engaged in the work shall pay the sum of fifty cents, which sum shall be paid into the city treasurer, for the use of said cities. The proper officers of said cities are hereby authorized to pay the plumbers acting on said board the sum of five dollars per day for each day or session thus actually employed.

**Sign.**

Every registered master plumber shall have a bona fide place of business in said cities, and shall display on the front of his or their place of business a sign "Registered plumber," bearing the name or names of the person, firm, or corporation, in letters not less than three inches high.

**Acting without license forbidden.**

No person other than a registered master plumber shall be allowed to carry on or engage in the business; nor shall any person or persons expose the sign of plumbing or house drainage, or any advertisement pertaining thereto, unless he or they have first secured a license or certificate and been registered in the office of the board or bureau of health of such cities; nor shall any person or persons other than a registered master plumber,—or person in his or their employ, or under his or their supervision,—be allowed to alter, repair, or make any connection with any drain, soil, waste, or vent-pipe, or any pipe connected therewith.

**Change of location.**

Every registered master plumber, firm, or corporation shall give immediate notice of any change in his, their or its place of business; and upon his, their, or its retirement from business shall surrender his, their, or its certificate of registry to the board or bureau of health. Every person, firm, corporation, or representative thereof, in registering, shall give the full name or names of the person, firm, or officers' names of the corporation, for which he or they shall register.

**Renewals.**

At the expiration of each calendar year said certificate or license shall be null and void. A licensed master or journeyman plumber desiring to continue in or work at the business of plumbing and house drainage for the ensuing year shall, between the first and thirty-first days of December of each year, surrender the said certificate or license for the current year to the department or board or bureau of health, and reregister his, their or its name or names, and business or home address, upon such form or forms as may, from time to time, be furnished by said department or board or bureau of health.

A reexamination will not be necessary for reregistration unless the licensed master or journeyman plumber should have failed to make application for reregistration at the specified time. The sum of one dollar shall be paid by master plumbers, firms, or corporations, and the sum of twenty-five cents by journeymen plumbers, for reregistration, which sum shall be paid into the city treasury, for the use of said cities. A register of all such applicants and license or certificates issued shall be kept in said department, board or bureau of health, which said register shall be open to the inspection of all persons interested therein. Any person, firm, or corporation holding a license or certificate, granted by any first, second, or third-class city of this Commonwealth, to engage in or work at the business of plumbing and house drainage, desiring to do plumbing and drainage work in any other city than the one in which said license or certificate was granted, shall, without examination, be registered before entering upon such work: *Provided, however,* That such registration shall be restricted and limited to such plumbing and drainage work as he, they, or it shall have contracted for at the time of registry. On the completion of such contract or contracts the registration of

**Work in other cities.**

such person, firm, or corporation shall be null and void, and no further permit shall be issued to such person, firm, or corporation until he, they, or it shall have first registered his or its name, or their names and addresses, as hereinbefore provided.

Approved the 7th day of June, 1911.

*Fire escapes on factories.*

(Page 705.)

SECTION 12. The fire marshal, his chief assistant and inspectors, may examine all buildings upon which any fire escapes may be erected, shall see that it is kept in good order and repair, and no person shall at any time, place any incumbrance of any kind whatsoever upon any of said fire escapes or passageways constructed or intended for the escape of persons from the premises in case of fire. Any owner or occupant of buildings or premises, failing to comply with the orders of the authorities above specified, shall be deemed guilty of keeping and maintaining a nuisance detrimental to life and property, and on conviction before any magistrate be fined twenty-five dollars, or, in default of such payment, imprisoned in the county prison not more than thirty days.

Inspection.

Approved the 8th day of June, 1911.

*Employment of labor—Foremen, etc., accepting fees.*

(Page 746.)

SECTION 1. Any officer or employee of any employer of labor, in this Commonwealth, who shall solicit, demand, or receive, directly or indirectly, from any person or persons, moneys or other valuable thing, for the purpose, actual or alleged, of either obtaining for the latter employment in the service of said employer or of the continuing by the party so paying or solicited in said employment, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars and not more than three hundred dollars, and undergo an imprisonment of not less than three months nor more than one year, either or both, at the discretion of the court.

Accepting fees a misdemeanor.

Approved the 9th day of June, 1911.

*Mine regulations—Bituminous mines.*

(Page 756.)

ARTICLE I.

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

Bituminous coal mines.

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

Definitions.

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

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

*Slope.*—The term “slope” means an incline or opening used for the same purpose as a shaft.

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

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

*Mine foreman.*—The term “mine foreman” means the person whom the operator or superintendent shall place in charge of the inside workings of the mine and of the persons employed therein.

*Inspector.*—The term “inspector” means the person commissioned by the governor to have supervision of mines, as herein-after prescribed.

*Bituminous mines.*—The term “bituminous mines” shall include all coal mines in the State not now included in the anthracite boundaries; and whenever the term “mine” appears in this act it shall be construed to mean “bituminous coal mine.”

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

## ARTICLE II.

Maps and plans.

SECTION 1. The operator or the superintendent of any bituminous coal mine shall make, or cause to be made by a competent mining engineer or surveyor, an accurate map of the mine, on a scale of not less than two hundred feet to the inch, which map shall show as follows:

First. All the openings, excavations, shafts, slopes, drifts, tunnels, planes, main entries, cross entries and rooms and the name or number of each.

Second. An accurate delineation of the boundary lines between said mine and all adjoining mines or coal lands, and the relation and proximity of the workings of said mine to all adjoining mines or coal lands; and, if requested by the inspector, the blue print in the office at the mines shall show by arrows the direction of the air currents in said mine, each split to show in different color in pencil.

Third. The elevation above or below mean tide at Sandy Hook of the top and bottom of each shaft and slope, of all drifts, tunnels, planes, and of the faces of entries, as found at each semi-annual survey, and in rooms and entries adjacent to boundary lines between such mine and any adjoining mine or mines at points not more than three hundred feet apart; also the number of last survey station and the date of such survey on the entries, as they are represented on the map; the location of streams, rivers, lakes, dams, or any other bodies of water on the surface, with their elevations accurately and plainly marked; the location and elevation of any body of water dammed in the mine, or held back in any portion of the mine, giving the true area of said body of water, unless inaccessible before the passage of this act; the location of all bore holes penetrating the coal strata; and the location of all oil and gas wells and oil and gas pipe-lines: *Provided, however,* For the purpose of this paragraph, the owner or owners of the oil and gas wells and the oil and gas pipe-lines shall furnish, at his, their, or its own expense, to the operator of the mine on which said wells are located or lines are constructed, a survey showing the location thereof, within sixty days after the passage of this act, or within a like time after the construction or location of wells and pipe-lines hereafter made.

Proximity to other workings.

SEC. 2. When the workings of a mine are within three hundred feet of the boundary lines between such mine and any adjoining mine or mines, application shall be made by the operator or the

superintendent to the inspector for information as to the proximity of the workings of such adjoining mine or mines, and if the workings of such adjoining mine or mines are, at their nearest point, within three hundred feet of such boundary line, the inspector shall so notify the said operator or the said superintendent, who shall have such portion of the workings of said adjoining mine or mines surveyed and shown on the map of the mine first mentioned. For the purpose of making only the survey herein required, the engineer or surveyor of any mine shall have the right of entry into any adjoining mine, on the written authority of the inspector.

Sec. 3. A true copy of said map shall be kept in the mine office at the mine, for the use of the mine officials and the inspector, and for the inspection (in the presence of the superintendent or the mine foreman) of any person working in said mine, whenever said person shall fear that any working place is becoming dangerous by reason of its proximity to other workings that may contain dangerous accumulations of water or noxious gases. Copy of map  
in mine office.

Sec. 4. At least once every six months the operator or the superintendent of every mine shall cause to be shown accurately on the original map of said mine, and on the copy of the map in the mine office, all the excavations made therein during the time that has elapsed since such excavations were last shown thereon. Extensions of  
map.

The operator or the superintendent, at the request of the inspector, in writing, shall order that any portion of any mine shall be surveyed and entered on the original map, when in the opinion of the inspector such portion of the mine is approaching accumulations of water or noxious gases. And whenever any of the workings or excavations of any mine shall be driven to their destination, it shall be the duty of the operator or the superintendent to cause the mining engineer or surveyor to check up all his previous work and notes of said mine, so that he can certify that the said map shows correctly all the excavations made therein, as he is required to do by section six of this article. Survey and  
entry.

Sec. 5. The operator or the superintendent of every mine shall furnish the inspector of the district with a true and correct copy of the aforesaid original map of said mine, on tracing cloth, and at the end of every six months thereafter the inspector shall return said copy to the operator or the superintendent, who shall place or cause to be placed thereon all the extensions made, and all portions of the mine worked out or abandoned, during the preceding six months, as provided for in section four of this article, and shall forward the map to the inspector within thirty days from the time of receiving it: *Provided*, That in lieu of the map on tracing cloth as aforesaid, the operator or the superintendent shall have the privilege of furnishing every six months a blue print showing the complete workings of the mine to date. When more than one seam of coal is being worked in any mine, the inspector shall be provided with a separate copy of the original map on tracing cloth or a blue print of the complete workings of each seam, as provided for in this article. The copies of the maps of the several mines, as hereinbefore required to be furnished to the inspector, shall remain in the care of the inspector of the district in which said mines are situated, as official records pertaining strictly to the office of said inspector, to be transferred by him to his successor in office, and in no case shall any copy thereof be made or any information therefrom be given to any person without the consent of the operator, except as provided for in section two of this article. Inspector's  
copy.  
  
Proviso.  
  
Official rec-  
ords.

Sec. 6. Whenever a mine is worked out or abandoned, the operator or the superintendent shall, within sixty days thereafter, extend the inspector's map to show clearly all the worked out or abandoned territory, with all property and boundary lines and elevations, as required in section one of this article. Abandoned  
mines.

The owner or the operator of the abandoned mine shall also, within sixty days after its abandonment, send to the department of mines a tracing of said complete original map, which shall be

kept in the department as a public document. The mining engineer or surveyor shall certify that said tracing is a true and correct copy of the original map of said mine, and that the original map is a true, complete, and correct map and survey of all the excavations made in said abandoned mine.

**Inspector may have survey made.** SEC. 7. If the inspector shall have reason to believe that any map of any mine, furnished to him in pursuance of the provisions of this article, is inaccurate or imperfect, he is hereby authorized to have made a survey and a new map of said mine. The cost of said survey and map shall be recoverable from the operator as other debts are recoverable by law: *Provided, however,* That if the map claimed by the inspector to be inaccurate or imperfect shall be found sufficiently accurate to serve the purpose for which it is intended, then the Commonwealth shall be liable for the expense incurred in making said survey and map, which expense shall be paid by the State treasurer, upon warrant of the auditor general, issued upon the presentation of voucher approved by the chief of the department of mines.

**Proviso.**

### ARTICLE III.

**Duties of mine superintendent.** SECTION 1. It shall be the duty of every superintendent, on behalf and at the expense of the operator, to keep on hand at each mine at all times a sufficient quantity of all materials and supplies required to preserve the health and safety of the employes, as ordered by the mine foreman and required by this act. If for any reason the superintendent cannot procure the necessary materials or supplies as aforesaid, he shall at once notify the mine foreman, whose duty it shall be to withdraw the men from the mine or portion of mine, until such materials or supplies are received.

**Supplies.**

**Examination of reports.** The superintendent shall, at least once every week, read, examine carefully, and countersign all reports entered in the mine record book by the mine foreman, and if he finds on such examination that the law is being violated in any particular, he shall order the mine foreman to stop said violation forthwith, and shall see that his order is complied with.

**Enforcement of law.** SEC. 2. The superintendent shall not obstruct the mine foreman or other officials in the fulfillment of any of their duties as required by this act, but he shall direct that the mine foreman and all the other employes under him comply with the law in all its provisions, especially when his attention is called by the inspector to any violation of the law. At any mine where a superintendent is not employed, the duties that are herein prescribed for the superintendent shall devolve upon the mine foreman, in addition to his regular duties.

**Danger signals.** SEC. 3. The superintendent of every mine shall provide a sufficient number of danger signals, upon request of the mine foreman, which the mine foreman or the assistant mine foreman shall distribute in the mine at places convenient for the use of the fire bosses in the fulfillment of their duties. Danger signals in all mines shall be uniform, and of a design approved by the chief of the department of mines. All danger signals shall be kept in good condition, and no defective signal shall be allowed to remain in any mine.

**Rules, notices, and record books.** SEC. 4. The superintendent shall keep on hand at the mine a supply of the printed rules and notices and record books required by this act, which shall be furnished through the inspector of the district on request of the superintendent in writing. The superintendent shall see that said rules and notices and record books are delivered to the proper persons at the mine, and that they are properly cared for, and he shall also see that the rules and notices are posted in conspicuous places at or near the entrance to the mine and kept in such condition that they will always be legible.

**Approaching accumulations of water.** SEC. 5. The superintendent shall not permit the mining of coal within fifty feet of any abandoned mine containing a dangerous accumulation of water, until said danger has been removed by

driving a passageway to tap and drain off said water, as provided for in this act: *Provided*, That the thickness of the barrier pillars shall be greater and shall be in proportion of one foot of pillar thickness to each one and one-quarter feet of water head, if in the judgment of the engineer of the property and that of the district inspector it is necessary for the safety of the persons working in the mine.

Proviso.

Sec. 6. The superintendent shall provide a safety catch, or other safety device, to be placed on the rear end of the rear car of full trips that are being hoisted up slopes, and he shall also provide suitable signals, to be placed on the rear end of the rear car of all trips hauled in the mines by locomotives of any kind.

Safety catch.  
Signals.

Sec. 7. If the mine foreman, the assistant mine foreman, or the fire boss neglects his duties or incapacitates himself by drunkenness, or is incapacitated by any other cause for the proper performance of his duties, and information thereof shall be brought to the knowledge of the superintendent, it shall be the duty of the superintendent to make a thorough investigation of the case; and if he finds evidence to sustain the charge he shall inform the inspector, who shall inform the court of common pleas of the county or a judge thereof, by petition; and said court, or judge, when the court is not in session, shall issue a citation in the name of the Commonwealth to the said mine foreman, assistant mine foreman, or fire boss to appear, at not less than five days' notice, upon a day fixed, before said court or a judge thereof, at which time the court shall proceed to inquire into and investigate the allegations. If the court finds the allegations to be true, it shall notify the department of mines of such finding, and instruct said department to withdraw the certificate of said delinquent: *Provided, however*, That he shall have the right to appear before the examining board and be re-examined, and if he can satisfy the board that he has reformed, and passes a satisfactory examination, he shall be given another certificate of qualification. When the court orders the certificate of a mine foreman, an assistant mine foreman, or a fire boss to be withdrawn, the inspector shall notify the operators of the district of the fact.

Negligence of mine foremen, etc.  
Investigation.

Inquiry by court.

Withdrawal of certificate.

Reexamination.

SEC. 8. The operator or the superintendent of every mine shall within thirty days thereafter, send to the inspector notices of the following occurrences:

Notices required.

First. When a mine has been abandoned, or the working thereof discontinued.

Second. When any work has commenced for the purpose of opening a new mine.

Third. When the working of a mine is resumed after an abandonment or a discontinuance for a period exceeding two months.

Fourth. When any change occurs in the name of a mine, or in the name of the operator of a mine, under the provisions of this act.

ARTICLE IV.

SECTION 1. In order to secure efficient management and proper ventilation of the mines, to promote the health and safety of the persons employed therein, and to protect and preserve the property connected therewith, the operator or the superintendent shall employ a competent and practical mine foreman for every mine where ten or more persons are employed. The mine foreman shall have full charge of all the inside workings and of the persons employed therein, in order that all the provisions of this act so far as they relate to his duties shall be complied with, and the regulations prescribed for each class of workmen under his charge carried out in the strictest manner possible. If the mine is generating explosive gas, in quantities sufficient to be detected by an approved safety lamp, the mine foreman must possess a first grade mine foreman's certificate. If the mine is nongaseous, the mine foreman must possess either a first grade mine foreman's certificate or a second grade mine foreman's certificate.

Mine foremen to be employed.

Certificate.

**Assistants.** When the mine workings become so extensive that the mine foreman is unable personally to carry out the requirements of this act pertaining to his duties, he shall have the right to employ a sufficient number of competent persons to act as his assistants, who shall act under his instructions in carrying out the provisions of this act. If the mine is generating explosive gas in quantities sufficient to be detected by an approved safety lamp, the mine foreman's assistants must possess first grade assistant mine foremen's certificates.

In case of the necessary temporary absence of the mine foreman, he may deputize his work, for the time being, to his assistant, who shall perform all the duties of the mine foreman.

**Duties of foremen.**

**SEC. 2.** The mine foreman shall devote the whole of his time to his duties in the mine when the mine is in operation, and shall keep a careful watch over the ventilating apparatus, the ventilation airways, traveling ways, timbering, and drainage, and shall see that all stoppings along airways are properly built, as provided for in section five of article nine of this act.

He shall also see that proper cut throughs are made in the pillars of all rooms and of all entries, in accordance with section three of article nine of this act, and that they are closed when necessary so that the ventilating current can be conducted in sufficient quantity through the last cut through to the face of each room and entry by means of check doors. He shall not permit any room or entry to be turned in advance of the ventilating current or in advance of the last cut through in the entry, excepting room necks, which may, with the consent of the inspector, be turned by entrymen driving entries.

**Air current to be measured.**

**SEC. 3.** The mine foreman or his assistant shall, at least once every week, measure the air current at or near the main inlet and outlet airway, and also in the last cut through in the last room and in the entry beyond the last room turned in each entry, and make a record of said measurements, as provided for in section eighteen of this article. Said measurements shall be taken on days when the men are at work, and for making said measurements an anemometer shall be provided and kept in good condition by the superintendent of the mine.

**Accident to fan, etc.**

**SEC. 4.** In case of accident to a ventilating fan or its machinery, whereby the ventilation of the mine would be seriously interrupted, the mine foreman shall order the men to withdraw immediately from the mine, and he shall not allow them to return to their work until the ventilation has been restored, and the mine has been thoroughly examined by him or by an assistant mine foreman or fire boss, and reported safe.

**Gas or coal dust.**

**SEC. 5.** The mine foreman shall notify the superintendent, in writing, whenever in his opinion the mine is becoming dangerous through the lack of ample ventilation at the face of entries, rooms and other portions of the mine, caused by the undue length of entries and airways, or from any other cause, resulting in the accumulation of gas or coal dust, or both, in various portions of the mine. The superintendent shall then notify the inspector of the report of the mine foreman, requesting him to come and make a personal examination, and if he finds it is becoming dangerous he shall at once direct the superintendent to proceed to have it put in safe condition, and, if necessary, have an additional opening of ample dimensions sunk from the surface to the interior, which opening can be used as an outlet or inlet for the air, and also as an escape way in case of necessity.

**Stoppings of masonry, etc.**

In all mines generating explosive gas, in quantities sufficient to be detected by an approved safety lamp, the mine foreman shall see that, when the permanent station of the fire boss is located a mile or more from the entrance to the mine, all abandoned, finished or unfinished workings, in the intervening distance between the permanent station and the entrance to the mine, are completely shut off from the main intake or manway headings of the mine by stoppings of masonry, concrete, or some other

incombustible material of sufficient thickness to keep the explosive or noxious gases from coming in contact with the intake air or with the persons employed therein.

Sec. 6. The mine foreman shall direct and see that every working place is properly secured by props or timbers, and shall see that no person is directed or permitted to work in an unsafe place, unless it be for the purpose of making it safe. He shall also see that the workmen are provided with sufficient props, cap-pieces, and timbers of suitable size, which shall be delivered at the working faces, or as near thereto as they can be conveyed in mine cars, when requested by the workmen, in accordance with section seven of this article. He shall also see that props are cut square at both ends, and as near as practicable to the proper length required or designated for the places where they are to be used.

Timbers.

Sec. 7. Every workman in need of props, cap pieces, and timbers shall notify the mine foreman or the assistant mine foreman (or any other person delegated by the mine foreman) of the fact, at least one day in advance, giving the number, size, and length of props, cap pieces, and timbers required. In case of emergency, the timber may be ordered immediately upon the discovery of danger. If for any reason the necessary timbers cannot be supplied when required, the mine foreman or assistant mine foreman shall instruct the workmen to vacate the place until the timber needed is supplied.

Workmen to order timbers.

The place and manner of leaving the orders for props, cap pieces, and timbers shall be designated and specified in the rules of the mine.

Sec. 8. The mine foreman shall see that on all animal and mechanical hauling roads, holes for shelter shall be cut into the strata, not less than two and one-half feet deep and four feet wide, and level with the road, at least every thirty yards, and kept whitewashed and clear of obstruction; except in entries from which rooms are driven at regular intervals not exceeding ninety feet: *Provided*, That the entrance to each room be kept clear of obstruction for a distance of three feet. On all main hauling roads, on which hauling is done by machinery, shelter holes shall be cut into the strata, not less than two and one-half feet deep and at least four feet wide, and level with the road, and not more than fifteen yards apart; and said shelter holes shall be kept whitewashed and clear of obstruction; except in entries from which rooms are opened at regular intervals not exceeding forty-five feet: *Provided*, That the entrance to such rooms be kept clear of obstruction for a distance of three feet. All shelter holes shall be made on the same side of the entry. All entries driven after the passage of this act shall have a clear space of two and one-half feet from the side of the car to the rib, which shall be made and continued throughout on one side of the entry, if in the judgment of the inspector the condition of the roof will permit, and shall be kept clear of obstruction.

Shelter holes.

Entries.

No persons except officials or repairmen shall be permitted to travel on slopes, gravity or incline planes, while the cars thereon are in motion.

Travel on slopes, etc.

Sec. 9. The mine foreman shall direct that the coal is properly mined before it is blasted. "Properly mined" shall mean that the coal shall be undercut, center cut, top cut, or sheared by pick or machine, and in any case the under cutting shall be as deep as the holes are laid. In mines generating explosive gas, in quantities sufficient to be detected by an approved safety lamp, when the coal seam is five feet six inches or more in thickness, "properly mined" shall mean that in all entries less than ten feet wide, wherein the coal is undercut, it shall also be sheared on one side as deep as the undercutting before any holes are charged and fired, or the coal shall be blasted in sections by placing the first hole near the center of the coal seam. He shall also direct that the miner set sprags as often as necessary, at a distance not exceeding seven feet apart, under the breast of undermined or cen-

Coal to be properly mined.

- Blasting.**            **ter-mined coal, for safety. The mine foreman shall direct at what hours blasting shall be done in the mine, and a notice of the time shall be posted at a conspicuous place at the mine, and a copy of the notice shall be kept on file at the mine office: *Provided, however,* That in districts in which it has been the common practice to blast coal from the solid, said practice or method may be continued, notwithstanding anything to the contrary herein contained.**
- Sprinkling.**        **In such portions of a dry and dusty mine, where explosive gas is being generated in quantities sufficient to be detected by an approved safety lamp, the mine foreman shall direct and see that the rooms and entries are moistened by water or other efficient means as often as necessary to keep the dust in damp condition, and he shall direct and see that the dust is loaded and taken out of the mine as often as necessary.**
- Dangerous places.**      **The mine foreman shall direct and see that as the miners advance in their excavation all dangerous and doubtful pieces of coal, slate, and rock overhead are taken down, or at once carefully secured against falling on the workmen. Any workman who neglects to carry out, or disobeys, the instructions of the mine foreman or his assistant, in regard to securing his working place, shall be suspended or discharged by the mine foreman, and if such negligence or disobedience results in serious injury or loss of life to any person, the mine foreman shall give the name of said workman to the inspector, for prosecution in accordance with section two, article twenty-six of this act.**
- Removal of dangers.**    **SEC. 10. The mine foreman shall give prompt attention to the removal of all dangers reported to him by his assistants, the fire boss, or by any other person working in the mine, and in case it is impracticable to remove the danger at once, he shall notify every person whose safety is menaced thereby to remain away from the portion where the dangerous conditions exist. He or his assistant shall once each week travel and examine all the air courses and roads and all the openings that give access to old workings or falls, and make a record of the condition of all places where danger has been found, with ink, in the book provided for that purpose.**
- Daily inspections.**    **In all mines the mine foreman shall employ a sufficient number of assistants to insure a visit to each working place, either by himself or by his assistants, once each day while the employes are at work, and in addition thereto shall give special care, oversight, and attention to the men drawing pillars, particularly when falls are thereby being made. The mine foreman, or the assistant mine foreman, under instructions from the mine foreman, shall direct that the holes for blasting be properly placed, and shall designate the angle and depth of holes, which shall not be deeper than the undercutting, center cutting, top cutting, or shearing, and the maximum quantity of explosives required for each hole, and the method of charging and tamping. Instructions shall be given the men by the mine foreman, assistant mine foreman, or fire boss, or other authorized person, as to when, where, and how timber shall be placed so as to avoid accidents from falls, and also, in a general way, how to mine coal with safety to themselves and others.**
- Blasting holes.**        **The mine foreman, or the assistant mine foreman, shall make a report in a book provided for that purpose, giving the general condition as to safety of the working places visited by him, and shall make a note of any unusual occurrence observed by him during the day. The mine foreman shall read carefully the daily report of each assistant mine foreman, and shall sign the reports with ink not later than the day following.**
- Daily reports of assistants.**    **At the end of each shift, each assistant mine foreman shall make a report in a book provided for that purpose, giving the general condition as to safety of the working places visited by him, and shall make a note of any unusual occurrence observed by him during the day. The mine foreman shall read carefully the daily report of each assistant mine foreman, and shall sign the reports with ink not later than the day following.**
- Removal of gases.**      **SEC. 11. The mine foreman shall see that every mine generating explosive gas is kept free of standing gas in all working places and roadways. Any accumulation of explosive gas or noxious gases in the worked-out or abandoned portions of any mine shall**

be removed as soon as possible after its discovery, if it is practicable to remove it. No person who may be endangered by the presence of said explosive gas or noxious gases shall be allowed in that portion of the mine until said gases have been removed. The mine foreman shall direct and see that all dangerous places and the entrance or entrances to worked-out and abandoned places in all mines are properly fenced off across the openings, so that no person can enter, and that danger signals are posted upon said fencing, to warn persons of the existing danger.

Fencing, etc.

SEC. 12. In any mine where it has been found impracticable to remove explosive gas from the inaccessible top of a fall, it shall be the duty of the mine foreman to make this fact known at once, in writing, to the superintendent, who shall immediately report the same to the inspector, requesting him to make a prompt personal investigation. If the superintendent and the inspector are unable to devise means to have said explosive gas removed within a reasonable time, the inspector shall direct that a bore hole or bore holes, not less than six inches in diameter, be drilled from the surface to a high point on said fall, in order to give the gas an opening to escape to the surface.

Gas at top of fall.

SEC. 13. In every mine generating explosive gas, in quantities sufficient to be detected by an approved safety lamp, where coal dust is being carried in the air currents in quantities indicating danger, the mine foreman shall see that no person is employed to work in the mine until he has given satisfactory proof that he can do the work allotted to him without endangering the lives of his coemployees, unless said person is put to work with an experienced miner, whose duty it shall be to instruct such inexperienced person how to safely and properly perform his work.

Inexperienced miners.

SEC. 14. In such portions of a mine, where explosive gas is being generated in quantities sufficient to be detected by an approved safety lamp, and in which locked safety lamps are used, the mine foreman shall employ a sufficient number of competent persons, who are able to speak the English language, to act as shot firers, whose duty shall be to charge, tamp, and fire all holes properly placed by the miners, and to refuse to charge any holes not properly placed. No holes shall be fired by any person other than a shot firer. They shall use none but incombustible material for tamping, which the mine foreman shall see is provided for them at convenient places inside the mine. Under no condition shall the shot firer use coal dust or any other combustible material for tamping. All such holes shall be fired by an electric apparatus, and no person other than the shot firer shall connect the wires of or operate said apparatus. Each shot firer shall keep a record of and report to the mine foreman every hole that he has refused to charge, every blown-out shot, and every hole that has misfired. It shall be the duty of shot firers, and miners who are permitted by this act to fire their own shots, to visit and examine the places where shots have been fired, before leaving the mine, to see that there is no fire, or any other danger existing.

Shot firers.

In all mines in which coal is blasted from the solid, all holes shall be fired when all the workmen are out of the mine except the shot firers and other persons delegated by the mine foreman to safeguard property.

Blasting.

No shot firer or any other person shall fire a shot in any working place or in any mine if his safety lamp can detect explosive gas at the roof. In gaseous, dusty mines, in which locked safety lamps are used, he shall fire no holes unless the entries and rooms which are dry and dusty are so thoroughly wetted as to prevent the existence of any dry dust for a distance of not less than eighty feet from the hole to be fired: *Provided, however,* That in all mines wherein the coal is being blasted from the solid, the mine foreman shall direct and see that the provisions of this section are fully complied with.

SEC. 15. When operations are temporarily suspended in a mine the superintendent and the mine foreman shall see that danger signals are placed across the mine entrances, which signals shall

Suspension of operations.

be sufficient warning for persons not to enter the mine. If the circulation of air through the mine be stopped, each entrance to said mine shall be fenced off in such a manner as will ordinarily prevent persons from entering said mine, and a danger signal shall be displayed upon said fence at each entrance. The mine foreman shall see that all danger signals used in the mine are in good condition, and if any become defective he shall notify the superintendent.

**Drainage.**

SEC. 16. The mine foreman shall see that the water is drained out of the working places before the men enter, and that the working places are kept as free from water as practicable during working hours.

**Proximity to abandoned mine.**

SEC. 17. In any working place that is being driven within supposedly dangerous proximity to an abandoned mine, or portion of an abandoned mine, suspected of containing explosive gas, or that may contain a dangerous accumulation of water, the mine foreman shall see that at least two bore holes shall be maintained not less than twelve feet in advance of the face, and on each side of such working place, bore holes of the same depth shall be drilled diagonally, not more than eight feet apart, and any place driven to tap water or gas shall not be more than eight feet wide. No water or gas from an abandoned mine, or portions of an abandoned mine, and no bore hole from the surface, shall be tapped until the employes, except those engaged at such work, are out of the mine, and such work shall be done under the immediate instruction and direction of the mine foreman, with the use of locked safety lamps.

**Daily reports.**

SEC. 18. The mine foreman shall each day enter plainly and sign with ink, in a book provided for that purpose, a report of the condition of the mine, which report shall clearly state any danger that may have come under his observation during the day, or any danger reported to him by his assistants or the fire bosses. The report shall also state whether or not there is a proper supply of material on hand for the safe working of the mine, and whether or not the requirements of the law are complied with. He shall also,

**Weekly reports.**

once each week, enter plainly with ink, in said book, a true report of all air measurements required by this act, designating the place, the area of each cut through and entry separately, the velocity of the air in each cut through and entry, and the number of men employed in each separate split of air, with the date when measurements were taken. Said book shall at all times be kept in the mine office at the mine, for examination by the inspector, and by any person working in the mine, in the presence of the mine foreman.

**Signing of fire bosses' record.**

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

**Reports of accidents.**

SEC. 19. The mine foreman shall, once each week, on blank forms provided for that purpose, report to the inspector all fatal and serious accidents that have occurred in or about the mines, giving the age, nationality, and occupation of the injured persons, together with facts as to the families or dependents affected.

**Employment of fire bosses.**

SEC. 20. The mine foreman shall employ a sufficient number of fire bosses, in order that each mine can be examined in accordance with the provisions of sections one, two, and three of article five of this act. The mine foreman or the assistant mine foreman shall see, as often as practicable, that the fire boss has left his mark in places examined, or reported as examined.

**Safety blocks, switches, etc.**

SEC. 21. The mine foreman shall direct and see that safety blocks, or some other device, are constructed for the purpose of preventing cars from falling into the shaft or slope, or running away on slopes and incline planes; and safety switches, drop logs, or other devices, shall be used on all slopes and incline planes; and the mine foreman shall see that said safety blocks, safety switches, or other devices, are maintained in good working order.

**Safety lamps.**

SEC. 22. It shall be the duty of the mine foreman to see that locked safety lamps are used when and where required by this act.

The transportation of tools in and out of the mine shall be under the direction of the mine foreman or his assistant. **Tools.**

SEC. 23. It shall be the duty of the mine foreman to report immediately all violations of this act to the inspector. **Report of violations.**

SEC. 24. When assistant mine foremen are employed, their duty shall be to assist the mine foreman in complying with the provisions of this act, and, in the absence of the mine foreman, they shall perform the duties of the mine foreman, and shall be liable to the same penalties as the mine foreman for any violation of this act. **Duties of assistants.**

#### ARTICLE V.

SECTION 1. In such portions of a mine, wherein explosive gas has been generated within one year before the passage of this act, or shall be generated after the passage of this act, in sufficient quantities to be detected by an improved safety lamp, the mine foreman shall employ a fire boss or fire bosses, whose competency to act as such shall be evidenced by a certificate of qualification from the department of mines on the recommendation of the examining board, as provided for in section six, article twenty-four of this act. It shall be the duty of the fire boss to examine carefully, before each shift enters the mine, every working place, without exception, all places adjacent to live workings, every roadway, and every unfenced road to abandoned workings and falls in the mine; but before proceeding with the examination he shall see that the air current is traveling in its proper course. In making the examination he shall use no light other than that enclosed in an approved safety lamp. The examination shall begin within three hours prior to the appointed time for each shift to enter the mine. The fire boss shall examine for all dangers in all portions of the mine under his charge, and after each examination he shall leave, at the face and side of every place examined, the date of the examination, as evidence that he has performed his duty. He shall also examine the entrance or entrances to all worked-out and abandoned portions adjacent to the roadways and working places under his charge, where explosive gas is likely to accumulate, and he shall place a danger signal across the entrance to every working place and every other place where explosive gas is discovered, or where immediate danger is found to exist from any other cause, and said signal shall be sufficient warning for persons not to enter. The meaning of all danger signals shall be explained to the non-English speaking employees of the mine, in their several languages, by the mine foreman, assistant mine foreman, or fire boss, through an interpreter. **Fire bosses to have certificates.**

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

**Marks.**

**Record book.**

**Report of dangerous conditions.**

**Second inspections.** SEC. 3. A second examination by the same or other fire bosses shall be made during working hours of every working place where men are employed.

**Permanent station.** SEC. 4. The mine foreman and the fire boss shall, at or near the main entrance to the mine, provide a permanent station with a proper danger signal, designated by suitable letters and colors, placed thereon. In every mine generating explosive gas in quantities sufficient to be detected by an approved safety lamp, when the working portions are one mile or more from the entrance to the mine or from the bottom of the shaft or slope, a permanent station of suitable dimensions may be erected by the mine foreman (provided the location is approved by the inspector) for the use of the fire bosses, and in the said station a fireproof vault of ample strength shall be erected of brick, stone, or concrete, in which the temporary record book of the fire bosses, as described in section two of this article, shall be kept. It shall not be lawful for any person, except the mine foreman, and in case of necessity such other persons as may be designated by him, to pass beyond said permanent station and danger signal until the mine has been examined by a fire boss, as provided for in section one of this article, and the mine or certain portions thereof reported by him to be safe. The fire boss shall not allow any other person or persons to enter or remain in any portion of the mine through which a dangerous accumulation of gas is being passed, in the ventilating current, from any other part of the mine. He shall report at once any violation of this article to the mine foreman.

**Passing or removing danger signals.** SEC. 5. Any employe or other person, except those hereinbefore provided for, who passes by any danger signal into the mine, or into any portion of the mine, or removes such danger signal before the mine has been examined and reported to be safe, or any employe or any other person who passes by any danger signal placed at the entrance to a working place, or any other place in the mine, or removes such danger signal without permission from the mine foreman, the assistant mine foreman, or the fire boss, shall be deemed guilty of a misdemeanor, and it shall be the duty of the mine foreman having knowledge of said violation (whether obtained personally or otherwise) to notify the inspector at once, in writing; and the inspector shall forthwith enter proceedings against such persons, as provided for in section two of article twenty-six of this act. Any mine foreman who fails to notify the inspector forthwith of any violation of the provisions of this article that has been reported to him or has come under his personal observation shall be deemed guilty of a misdemeanor.

**Failure to notify inspector.**

**Neglect to comply with act.**

SEC. 6. Any fire boss who neglects to comply fully with the provisions of this article relating to his duties, or who shall make a false report of the condition of any place in the portion of the mine allotted to him for examination, shall be deemed guilty of a misdemeanor, and shall be suspended by the mine foreman, and his name shall be given to the inspector for prosecution. If he is found guilty, he shall return his certificate of qualification as fire boss to the department of mines: *Provided, however,* That he may again be an applicant for a certificate as fire boss at any regular examination, after the expiration of six months; but if he is found guilty of a second offense he shall return his certificate to the department of mines, and cannot be an applicant for reexamination.

**Emergency service.**

SEC. 7. Nothing in this article shall prevent a first grade mine foreman or a first grade assistant mine foreman from acting as fire boss, or a regularly employed fire boss from acting in an emergency as a first grade assistant mine foreman.

#### ARTICLE VI.

**Openings to the surface.**

SECTION 1. It shall not be lawful for the operator, superintendent, or mine foreman of any mine to employ any person to work therein, unless there are at least two openings or outlets to the surface from every seam of coal actually being worked, and avail-

able from every entry thereof, which openings or outlets shall have distinct means of ingress and egress available at all times for the use of the employes. The distance between two shafts shall not be less than two hundred feet, and the distance between the openings to the surface of slopes shall not be less than one hundred and fifty feet, and the distance between drifts shall not be less than fifty feet: *Provided*, That the distances between said openings shall apply only to mines opened after the passage of this act: *And provided further*, That the distances specified may be less with the written consent of the inspector. The passageways between said two shafts shall at all times be maintained in safe and available condition for the employes to travel therein, and the pillars in entries between said shafts shall not be removed without the consent of the inspector, in writing, to the superintendent.

Passageways.

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

Exceptions.

SEC. 2. The cage or cages or other safe means of egress shall be available at all times for the persons employed in any mine that has no second outlet available.

Cages, etc.

SEC. 3. There shall be around the side, at the bottom, of every hoisting shaft (and similarly around the side of such shaft at any intermediate point where it intersects any entry) a passageway, not less than five feet high and three feet wide in the clear, which passageway shall be either cut through the solid strata or constructed of masonry, and shall be kept open at all times, so as to enable persons to pass around said shaft in going from one side thereof to the other.

Passage around shaft.

SEC. 4. Every mine generating explosive gas in quantities sufficient to be detected by an approved safety lamp, opened after the passage of this act, shall have at least four main entries, two of which shall lead from the main opening and two from the second opening, into the body of the mine: *Provided*, That every new gaseous mine, where locked safety lamps are used exclusively, projected to open up a large acreage with main entries five thousand feet or more in length, shall have at least five main entries, two of which shall lead from the main opening and two from the second opening, into the body of the mine, and the fifth (which may be connected with an opening to the surface or with the intake airway at or near the main intake opening) shall be used exclusively as a traveling way for the employes.

Main entries.

Every nongaseous mine opened after the passage of this act shall have at least two main entries, one of which shall lead from the main opening and one from the second opening, into the body of the mine: *Provided*, That in every new nongaseous mine, projected to open up a large acreage with main entries five thousand feet or more in length, the operator shall either haul the employes into and out of the mine at the beginning and end of each shift, or provide at least three main entries, one of which shall lead from the main opening and one from the second opening, into the body of the mine, and one (which may be connected with an opening to the surface or with the intake airway at or near the main intake opening) shall be used exclusively as a traveling way for the employes.

Main entries in nongaseous mine.

Should any mine opened as a nongaseous mine become a gaseous mine, and in every gaseous mine opened prior to the passage of this act, where locked safety lamps are used exclusively, having less than five main entries that have reached five thousand feet or more in length, and are to be extended two thousand feet

Additional openings.

or more, the superintendent shall have a new opening of ample dimensions made from the surface, if the inspector of the district, and two additional inspectors appointed by the chief of the department of mines, shall deem such additional opening necessary for the proper ventilation of the mines or the safety of the miners. The main entries and the traveling way shall be extended from this opening to the face of the workings. The operator may continue to work said mine or mines, under the provisions and requirements of this act for a nongaseous mine, until by due diligence the operator can change conditions to meet the provisions and requirements of this paragraph.

Entries to be clear.

The intake and return entries shall be kept drained, and free from refuse and obstructions of all kinds, so that persons may safely travel therein throughout their whole length and have a safe means of egress from workings in case of emergency. Said entries shall be separated by pillars of coal of sufficient strength, and shall not be driven more than two hundred feet beyond the last cut through, except for exploratory purposes.

Separate traveling way.

When the main entry of a nongaseous mine, or both main entries of a gaseous mine, used for intake for air, are also used for mechanical haulage, a separate traveling way, leading into the body of the mine, shall be provided for the use of the employes in going to and from their work, or the employes shall be hauled into and out of the mine at the beginning and end of each shift.

In all mines where the coal seam is less than three and one-half feet in height, such traveling way shall be at least four and one-half feet in height; in all mines where the coal seam is four feet in height, such traveling way shall be at least five feet in height; and the width shall not be less than six feet. All such traveling ways shall be well drained, kept free from refuse of all kinds, and free from smoke, noxious gases, and electric wires, unless said wires are so placed and protected as not to endanger life and are kept in safe condition.

Overcast or undercast.

SEC. 5. In every slope, with workings on both sides, an overcast or an undercast, not less than five feet wide and five feet high, shall be provided as a passageway for the use of the employes to cross from one side of the slope to the other. Said overcast or undercast shall connect with available passageways leading to the workings on both sides of said slope. The intervening strata between the slope and the overcast or undercast shall be of sufficient strength at all points to insure safety to the employees: *Provided, however,* That if it is impracticable to drive an overcast or an undercast in the solid, an overcast or an undercast, if substantially built with masonry or other incombustible material, will be deemed sufficient.

Opening to be clear.

SEC. 6. In mines opened after the passage of this act, if the opening or outlet other than the main opening is a shaft not more than one hundred feet in depth, and is used by employes for the purpose of ingress to or egress from the mine, it shall be kept available and in safe condition, free from steam, dangerous gases and all obstructions; and shall be fitted with safe and convenient stairways, with steps of an average tread of ten inches and a rise of nine inches, not less than two feet in width and not to exceed an angle of forty-five degrees, with landings not less than twenty-four inches in width and four feet in length, at easy and convenient distances. These stairways shall be made safe by having handrails of suitable material placed on one side, or on both sides when requested by the inspector, and shall be inspected every twenty-four hours by a competent person employed for that purpose. Water that may come from the surface or from the strata in the shaft shall be conducted away so that it will not fall on the stairways or on persons while descending or ascending them.

Stairway.

SEC. 7. After the passage of this act, when a mine is operated by a shaft more than one hundred feet in depth, the persons employed therein shall be lowered and hoisted by means of ma-

Hoisting employes.

SEC. 7. After the passage of this act, when a mine is operated by a shaft more than one hundred feet in depth, the persons employed therein shall be lowered and hoisted by means of ma-

chinery, unless the second opening is a drift or a slope. When the employes are lowered into or hoisted from the mine at the main shaft opening, the second opening, if a shaft, shall also be supplied with a stairway, constructed in the manner hereinbefore designated in section six of this article, or with suitable machinery for safely lowering and hoisting persons in case of an emergency.

Stairway.

SEC. 8. At any mine where one of the openings hereinbefore required is a slope, and is used as a means of ingress and egress by the employes, and where the angle of descent of said slope exceeds fifteen degrees, and its length from the mouth of the opening exceeds one thousand feet, the employes shall be lowered into and hoisted from the mine, at the beginning and end of each shift, at a speed not to exceed six miles per hour; and at every such mine where the angle of descent of said slope averages from five to fifteen degrees, and where its length exceeds three thousand feet, the employes shall be lowered into and hoisted from the mine, at the beginning and end of each shift, at a speed not to exceed six miles per hour: *Provided, however,* That when a separate traveling way is provided at any such slope, the owner or operator may, at his, their, or its option, be exempt from the requirements of this section, if the angle of said traveling way does not exceed twenty degrees.

Slope.

Speed of hoisting.

Proviso.

ARTICLE VII.

SECTION 1. The operator, superintendent, or contractor shall erect over every shaft that is being sunk, or shall hereafter be sunk, a safe and substantial structure to sustain sheaves or pulleys, ropes and loads, at a height of not less than twenty feet above the tipping place, and the top of such shaft and landing platform shall be arranged in such a manner that no material can fall into the shaft while the bucket is being emptied. The said structure shall be erected as soon as substantial foundation is obtained, and in no case shall a shaft be sunk to a depth of more than fifty feet without such structure.

Platform over shaft.

SEC. 2. If provisions are made to land the bucket on a truck, the said truck and platform shall be so constructed that material cannot fall into the shaft.

Truck.

SECTION 3. Rock and coal from shafts that are being sunk shall not be raised except in a bucket or on a cage, and said bucket or cage must be connected with the rope by a safety hook, clevis, or other safe attachment. The rope shall be fastened to the side of the drum and not less than three coils of rope shall always remain on the drum. If said shafts are one hundred feet or more in depth they shall be provided with guides and guide attachments, applied in such a manner as to prevent the bucket from swinging while being lowered or hoisted, and said guides and guide attachments shall be maintained at a distance of not more than seventy-five feet from the bottom of the shaft.

Bucket or cage.

Drum.

Guides, etc.

SEC. 4. It shall be the duty of the person in charge of the shaft sinking for the contractor or company to see that the sides of all shafts are properly secured for safety, and that no loose rock or material is allowed to remain on any timber on top or on any timber in the shaft after each blast. Where explosive gas is encountered, the person in charge shall see that the shaft is examined before each shift, and before the men descend after each blast, and also that the place is safe. In sinking shafts all blasts must be exploded by electric battery. Provision must also be made for the proper ventilation of shafts while being sunk.

Loose material.

Blasting.

SEC. 5. An efficient brake shall be attached to every drum of an engine used for sinking shafts, and all machinery, ropes, and chains connected therewith shall be examined once every twelve hours.

Brake.

SEC. 6. Not more than four persons shall be lowered or hoisted in or on a bucket in any shaft at one time, and no person shall ride on a loaded bucket.

Buckets.

## ARTICLE VIII.

- Telephone or speaking tubes.** SECTION 1. The operator or the superintendent shall provide, and hereafter maintain in good condition from the top to the bottom of every shaft or slope, where persons or material are lowered or hoisted, a telephone or metal tube of proper diameter, suitably adapted to the free passage of sound, through which conversation may be held and understood between persons at the top and the bottom of said shaft or slope; and he shall also provide
- Signal apparatus.** means of signalling from the top to the bottom and from the bottom to the top of said shaft or slope. The same provision shall apply to inside planes whereon coal is lowered and persons have to travel, when required by the inspector. In all gaseous mines telephone connections shall be made from the surface to the main section of the mine. All signalling apparatus and telephone connections shall be kept in good condition and shall be always available for service.
- Handrails.** The operator or the superintendent shall provide every cage used for lowering or hoisting persons, with handrails at sides or overhead, and with chain, bar, or gate at ends, and with a sufficient covering overhead to protect persons thereon, and shall also
- S a f e t y catches.** provide for each said cage efficient safety catches, which shall be tested once every two months, and a record of each test shall be sent to the inspector and to the superintendent, and also recorded with ink in a book kept at the mine office for that purpose.
- Ropes.** The ropes shall be securely attached to the sides of the drum of every machine that is used for lowering and hoisting persons or material into and out of the mine, and the flanges shall have a clearance of not less than four inches when the whole of the rope is wound on the drum, and adequate brakes shall be attached to the drum so that the speed thereof can be controlled
- Brakes.** when men are being lowered or hoisted. An efficient indicator that shall show the position of the cages in the shaft shall be attached to the hoisting apparatus, and an efficient safety device that will prevent overwinding shall be attached to every engine used for lowering and hoisting persons.
- Indicator.**
- Safety gates.** All shafts shall be provided with safety gates controlled by the cage at the top and intermediate landings, said gates to be approved by the inspector.
- Coupling chains.** SEC. 2. The main coupling chain attached to the socket of the wire rope of every shaft shall be made of the best quality of iron, and shall be tested by weights, or otherwise, to the satisfaction of the inspector; the manner of testing and the result obtained to be entered in a book, with ink, with the day and date of the inspection; and bridle chains of the same quality of iron shall be attached to the main hoisting rope, three feet above the socket, from the top crosspiece of the cage, so that no single chain shall be used for lowering or hoisting persons into or out of the mine.
- Bridle chains.**
- Ropes, links and chains.** SEC. 3. In shafts where coal is hoisted and employees lowered into or hoisted from the mine, the ropes, links, and chains shall be of ample strength, with a factor of safety of not less than five to one of the maximum load. In shafts used exclusively for lowering or hoisting employees and material, the factor of safety of ropes, links, and chains shall not be less than ten to one of the maximum load. All such ropes, links, and chains shall be carefully examined, at least once every twenty-four hours, by a competent person delegated for that purpose by the superintendent; and any defect therein found, by which life and limb may be endangered, shall be reported at once in writing to the superintendent, who shall immediately proceed to remedy the defect; and until that is accomplished he shall prohibit any person from being lowered into or hoisted from the mine by the defective apparatus. The person making said examination shall keep a daily record of each inspection, in ink, in a book kept at the mine office for that purpose, and he shall send a copy thereof each day to the superintendent.
- Factor of safety.**
- Inspection.**

SEC. 4. All machinery in and about the mines, from which any accident would be liable to occur, shall be properly fenced off by suitable guardrailing. Guardrailing.

SEC. 5. No greater number of persons shall be lowered or hoisted at any one time than may be permitted by the inspector, and notice of the number so allowed to be lowered or hoisted at any one time shall be kept posted by the operator or the superintendent in conspicuous places at the top and the bottom of the shaft. The aforesaid notice shall be signed by the inspector. The speed of the cage when lowering or hoisting persons shall not exceed nine hundred feet a minute. Number of men to be hoisted.  
Speed of cage.

SEC. 6. All boilers used for generating steam in and about the mines shall be kept in good condition, and the superintendent shall have them examined and inspected by a duly qualified person once every six months, and the report of said inspection shall be posted at the mine office. Boilers.

SEC. 7. Each boiler shall be provided with a safety valve of sufficient area for the steam to escape, and with weights or springs properly adjusted. S a f e t y valves.

SEC. 8. No boiler used for generating steam shall be placed or allowed to remain inside of any mine without the consent of the inspector, which shall be given in writing to the superintendent, and if the inspector allows said boiler to be placed inside the mine it shall be enclosed in a fireproof building within fifty feet of the bottom of an upcast shaft, which shaft shall not be less than thirty-five square feet in area. Consent of inspector.

SEC. 9. Every boiler house shall be provided with a sufficient number of steam gauges, which shall be properly connected with the boilers, to indicate the pressure of steam to the fireman, outside foreman or superintendent, and another steam gauge shall be attached to the main steam pipe in the engine house, so that the hoisting engineer can readily examine it. Steam gauges.

ARTICLE IX.

SECTION 1. The operator or the superintendent of every mine shall provide and maintain ample means of ventilation to furnish a constant and adequate supply of pure air for the employees. In a nongaseous mine the minimum quantity of air shall not be less than one hundred and fifty cubic feet per minute for each person employed. In a mine wherein explosive gas is being generated in such quantities that it can be detected by an approved safety lamp, the minimum quantity of air shall not be less than two hundred cubic feet per minute for each person employed therein, and as much more in either case as one or more of the inspectors may deem requisite. The return air from each split where from seventy to ninety persons are employed shall be conducted by an overcast or an undercast into the return airway, which shall lead to the main outlet. Ventilation.

The ventilation shall be conducted through the main entries, cross entries and to the working faces of all working places in the mine in sufficient quantities to dilute, carry off, and render harmless the smoke and the noxious and dangerous gases generated therein, to such an extent that all working places and traveling roads shall be in a safe and healthy condition for the persons working and traveling therein. Quantity.

No permanent door shall be erected or allowed to remain in the main entry in any mine, unless its removal shall be deemed impracticable by the inspector. Doors.

SEC. 2. Where five or more persons are employed at any one time in a mine, it shall be the duty of the operator or the superintendent to provide ample ventilation in accordance with section one of this article: *Provided*, That it shall not be lawful to use a furnace for ventilating any mine wherein explosive gas is being generated. D u t y o f operator.  
Use of furnaces.

Number of men in an air current. Six months after the passage of this act, not more than seventy persons shall be permitted to work in the same continuous air current, unless in the judgment of the inspector of the district it is impracticable to comply with this requirement, in which case a larger number, not exceeding ninety persons, may be permitted to work therein.

Cutthroughs. SEC. 3. The mine foreman shall see that proper cut throughs are made in all the room pillars, at such distances apart as in the judgment of the inspector may be deemed requisite, not more than thirty-five nor less than sixteen yards each, for the purpose of ventilation.

Air measurements. SEC. 4. The quantity of air passing a given point shall be ascertained by an anemometer, the measurements to be taken by the mine foreman, once every week, at or near the main inlet and outlet airway in the mine, and also at the last cut through in the last room and in the entry beyond the last room turned. Said measurements shall be taken on days when the men are at work.

Stoppings. SEC. 5. In all mines all new stoppings in cut throughs between the main intake and return airways shall be substantially built of masonry, concrete, or other incombustible material, and shall be of ample strength; and in mines generating explosive gas all new stoppings and renewals of old stoppings in cross entries shall be built of masonry, concrete, or other incombustible material. Stoppings in cross entries in nongaseous mines may be built of timber. All stoppings shall be kept in good condition, so as to keep the air up to the working faces. Temporary stoppings shall be erected in cut throughs in rooms to conduct the ventilation to the face of each room, and such stoppings may be constructed of timber or brattice cloth.

Fans. SEC. 6. Every ventilating fan at nongaseous mines shall be kept in operation continuously day and night, unless operations are definitely suspended, except when written permission is given by the inspector to stop it. The said permission, or a copy thereof, shall be posted by the mine foreman in a conspicuous place at the entrance or entrances to the mine, and shall state the particular hours the fan may be stopped. The inspector shall have the power to withdraw or modify such permission at any time and in any manner he may deem best. In all cases, however, the fan shall be started two hours before the time to begin work. Every ventilating fan at gaseous mines shall be kept in operation continuously, day and night, unless operations are definitely suspended:

Stoppage. *Provided*, That should it at any time become necessary to stop the fan at any mine (gaseous or nongaseous), on account of accident to part of the machinery connected therewith, or by reason of any other unavoidable cause, it shall then be the duty of the mine foreman, or the assistant mine foreman in charge, after first having provided for the safety of the persons employed in the mine, to order said fan stopped for necessary repairs.

Recording instrument. Every ventilating fan shall be provided with a recording instrument by which the number of revolutions or the effective ventilating pressure of the fan shall be registered, and the registration for each day, with the date thereof, shall be kept in the office at the mine, for future reference for one year.

Location of fan. No main or principal ventilating fan shall be placed inside of any mine. No auxiliary fan, unless driven by electricity or compressed air, shall be placed in any mine. If the fan be electrically driven, the motor shall be placed in the intake airway.

Furnaces. Every ventilating furnace in a mine shall be properly attended to and operated by a competent person, employed by the mine foreman for that purpose, for two hours before the appointed time to begin work, and constantly thereafter during working hours.

Air bridges, etc. SEC. 7. In every mine all new air bridges, overcasts or undercasts shall be substantially built of masonry, concrete, or other incombustible material, of ample strength, or shall be driven through the solid strata. It shall be the duty of the mine foreman to see that these bridges are properly built and are of ample strength.

SEC. 8. In every mine the doors used for guiding and directing the ventilation shall be so hung and adjusted that they will close of themselves, or shall be supplied with springs or pulleys so that they cannot remain open. All principal doors shall be so placed that, when one door is open, another which has the same effect upon the same current shall be closed, and remain closed to prevent any stoppage of the air current. An attendant shall be employed at each principal door (that is, the door that controls the main air current in the entries) through which cars are hauled, for the purpose of opening and closing it for the employees and cars to pass in and out from the workings, unless a self-acting door, approved by the inspector, is used. A hole for shelter shall be provided at each door, to protect the attendant from danger from cars while performing his duties. Persons employed for this purpose shall remain at the doors at all times during working hours: *Provided*, That the same attendant may attend two doors if his absence from the first door does not endanger the safety of the employees. At every door on any incline plane or road whereon haulage is done by machinery, an attendant shall always be on duty during working hours, and at every door on said plane or road an extra door shall be provided for use in case of necessity. Wherever a principal door is placed, an extra door shall also be provided to be used in case of necessity.

Doors.

Attendants.

SEC. 9. No product of petroleum or alcohol, or any compound that in the opinion of the inspector will contaminate the air to such an extent as to be injurious to the health of the miner, shall be used as motive power in any mine.

Petroleum, alcohol, etc., as fuel.

SEC. 10. If any person shall construct, or cause to be constructed or used, or permit to be used, from and after the date of the passage of this act, any sewer or other method of drainage from any building or dwelling house, for the carrying of sewage, offal, refuse or other offensive matter, into any operating mine, or any entry way, passage, or room in any mine (such entry way, passage, or room being used for ventilating or drainage purposes, or for a traveling way), such person shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to a fine not exceeding one thousand dollars, and undergo an imprisonment not exceeding one year, either or both, at the discretion of the court.

Drainage from buildings, etc.

ARTICLE X.

SECTION 1. The use of open lights is prohibited in any entry, airyway, traveling way, room, or any other working place where explosive gas is being generated in such quantity as can be detected by an approved safety lamp, also in pillar workings where a sudden inflow of explosive gas is likely to be encountered, and all such places shall be worked exclusively with locked safety lamps. The use of open lights is also prohibited in all working places, roadways, or other portions of the mine through which explosive gas might be carried in the air current in quantities indicating danger: *Provided, however*, That if the inspector is of the opinion that any mine, or any portion of any mine, should be operated by the use of locked safety lamps exclusively, he shall have the right to petition the chief of the department of mines, in writing, setting forth such opinion and his reasons therefor. Whereupon the said chief shall forthwith instruct two or more other inspectors to accompany the inspector of the district to make a further thorough examination into the matter in dispute and of all workings of said mine, whether in active operation or not. The said committee of inspectors shall, within seven days of their appointment, make a report in writing to the chief of the department of mines, and to the superintendent, general manager, operator or owner of said mine, giving the conclusions arrived at, with their reasons therefor; and the decision of said committee shall be final and conclusive, unless the superintendent, general manager, operator, or

Use of open lights prohibited, where.

Safety lamps.

Inspection.

Report.

## Appeal.

owner, shall, within seven days of the receipt thereof, appeal from such decision to the court of quarter sessions of the county in which the mine is located. Whereupon the court, or a judge of said court in chambers, shall forthwith appoint four practical, reputable and competent persons, two of whom shall be recommended by the superintendent, general manager, operator, or owner, and the other two by the chief of the department of mines, and the four persons thus recommended shall name a fifth person, who also must be practical, reputable and equally competent; and the five persons so named, none of whom shall be in the employ of the operator, operating company, or any of its officers, or of the State department of mines, shall constitute a commission to investigate and report on the matter in dispute: *Provided, however*, In case any or all of said four persons are not recommended, by a writing filed in said court within seven days after the appeal is filed, that then the said court shall fill the vacancy or vacancies by the appointment of a practical, reputable and competent person, or persons; and in case the four persons thus chosen shall not agree, in writing, upon the fifth person of this commission, within five days after they have received notice of their appointment, then the said court shall appoint the said fifth person on this commission. The duty of said commission of five persons shall be, under the instruction of the court, to forthwith examine said mine, or a portion thereof, and report under oath, within ten days after their appointment, the facts as they exist and the conditions pertaining thereto, and based upon such conditions and facts the decision of a majority on the matter in dispute; and their report and decision shall be final and conclusive, unless exceptions thereto shall be filed by the superintendent, general manager, operator, or owner, or the chief of the department of mines, within seven days of the filing of said commission's report. If exceptions are filed, the court shall at once hear, and, upon testimony taken thereon, determine them, and enter a decree in accordance with such determination: *Provided*, That the superintendent, general manager, operator, owner, or chief of the department of mines, shall thereafter have the right to have the record and proceedings removed to the supreme court for review, by appeal or writ of error.

Decree.  
Appeal.Costs of ap-  
peals.

SEC. 2. If said court of quarter sessions sustains the decision of the committee of inspectors, and said court's decree is not appealed from, or if on appeal the supreme court finally sustains the decision of the inspectors, then the appellant from said decision of the committee of inspectors shall pay all costs of such proceedings; but if the said court of quarter sessions or the supreme court shall not sustain the decision of the committee of inspectors, then all costs shall be paid by the Commonwealth: *Provided, however*, That any and all appeals from any decision made by the committee of inspectors, or made by the committee appointed by the court of quarter sessions, shall work as a supersedeas to such decision during the pendency of such appeal either to the court of quarter sessions or to the supreme court.

Open lights  
in return air  
current.

SEC. 3. The use of open lights is strictly prohibited in the return air current of any portion of a mine that is ventilated by the same continuous air current that ventilates any other portion of said mine in which locked safety lamps are used. The provisions of this section shall not apply to any mine wherein explosive gas is generated only at the face of active entries.

## Return air.

SEC. 4. If at any time one portion of a mine is worked by the use of locked safety lamps while another portion is worked by the use of open lights, the return air from the gaseous portion shall be conducted directly into a return airway leading to the fan or to the outlet: *Provided*, That when a portion of a mine is worked by the use of locked safety lamps and other portions are worked by the use of open lights, it shall be the duty of the mine foreman to provide a suitable danger station, with an attendant on duty at all times during working hours, day and night, whose duty it shall be to see that the employees from the open light portion are not allowed to enter the locked safety lamp portion unless they are provided with locked safety lamps by said attendant.

Use of safety  
and open lights.

SEC. 5. The employees of a gaseous mine, or any portion thereof, are strictly prohibited from traveling into or out of the mine in the return air current, if explosive gas can be detected by an approved safety lamp in said air current. Traveling in return air current.

SEC. 6. When safety lamps are used, the position of the lamp station for lighting or relighting shall not be in the return air current. Lamp station.

SEC. 7. Nothing in this article shall interfere with the discretionary powers of inspectors as provided for in article twenty. Powers of inspectors.

SEC. 8. Whenever safety lamps are used in a mine by fire bosses or other persons, they shall be so constructed that they may be safely carried against the air current ordinarily prevailing in that portion of the mine in which the lamps are being used. Construction of safety lamps.

SEC. 9. All safety lamps used for examining mines or for working therein shall be the property of the operator, and shall be in the care of the mine foreman, assistant mine foreman, fire boss, or some other competent person or persons appointed by the mine foreman whose duty it shall be to clean, fill, trim, examine, light, and deliver them locked and in a safe condition to the men when entering the mine, and to receive the lamps from the men when returning from work, for which services a charge not exceeding the actual cost of labor and material may be made by the operator. Ownership.

At any mine wherein explosive gas was generated within one year before the passage of this act, in sufficient quantities to be detected by an approved safety lamp, a sufficient number of safety lamps, not less than one-fourth of the number of safety lamps in use, shall be kept in a convenient place and in good condition, for use in case of emergency. It shall be the duty of every person who knows that his safety lamp is injured or defective to return it immediately, and report such fact to the person authorized to receive and care for said lamp, who shall report the matter to the mine foreman, assistant mine foreman, or fire boss as soon as practicable. Care.  
Emergency lamps.  
Defective lamps.

ARTICLE XI.

The following rules shall be observed as far as is reasonably practicable in the mines: Use of electricity.

*Potential.*—The terms “potential” and “voltage” are synonymous and mean electrical pressure. Definitions.

*Difference of potential.*—The expression “difference of potential” means the difference of electrical pressure existing between any two points of an electrical system, or between any point of such a system and the earth, as determined by a volt meter.

*Potential of a circuit.*—The potential or voltage of a circuit, machine, or any piece of electrical apparatus, is the potential normally existing between the conductors of such circuit or the terminals of such machine or apparatus.

(a.) Where the conditions of the supply of electricity are such that the difference in potential between any points of the circuit cannot exceed three hundred volts, the supply shall be deemed a low voltage supply.

(b.) Where the conditions of the supply of electricity are such that the difference of the potential between any two points in the circuit may at any time exceed three hundred volts, but cannot exceed six hundred and fifty volts, the supply shall be deemed a medium voltage supply.

(c.) Where the conditions of the supply of electricity are such that the difference of potential between any two points in the circuit may at any time exceed six hundred and fifty volts, the supply shall be deemed a high voltage supply.

*Grounding.*—Grounding any part of an electric system shall consist in so connecting such part to the earth that there shall be no difference of potential between them.

*Explosion or flame-proof.*—Explosion or flame-proof casings or enclosures are those which, when completely filled with a mixture of methane and air, and the same exploded, are capable of either

entirely confining the products of such explosion within the casing or of so discharging them from the casing that they cannot ignite a mixture of methane and air, combined in proportions most sensitive to ignition and entirely surrounding the points of discharge, and in most intimate proximity therewith.

*Underground station.*—An underground station is herein considered as any place where electrical machinery is permanently installed.

## SECTION ONE.

- Capacity and construction.** 1. All electrical apparatus and conductors shall be sufficient in size and power for the work they may be called upon to do, and, as hereinafter prescribed, efficiently covered or safeguarded, and so installed, worked, and maintained as to reduce danger from accidental shock or fire to the minimum, and shall be of such construction, and so worked, that the rise in temperature caused by ordinary working will not injure the insulating materials.
- Grounding.** 2. For work underground, when supplied with current at a voltage higher than medium voltage, no transformer shall have a normal capacity of less than five kilowatts, nor shall a motor have a normal capacity of less than fifteen brake horsepower.
- Voltage.** 3. All metallic coverings, armoring of cables, other than trailing cables, and, where installed underground, the frames and bed-plates of generators, transformers, and motors, other than low voltage portable motors, shall be efficiently grounded, as shall also the neutral wire of three wire continuous current systems.
- Same.** 4. Motors of coal cutting and other portable machines, and of electric locomotives, shall not be used at a voltage higher than medium voltage.
- Location.** 5. No higher voltage than medium voltage shall be used underground, except for transmission or for application to transformers or other apparatus in which the whole of the high voltage circuit is stationary.
- Marking.** 6. In gaseous mines, high voltage transmission cables shall be installed in the intake airways only, and high voltage motors and transformers shall be installed only in suitable chambers ventilated by the intake air which has not passed through or by a gaseous district.
- Ground detectors.** 7. All high voltage machines, apparatus, and lines shall be so marked as to clearly indicate that they are dangerous, by the use of the word "Danger" placed at frequent intervals.
8. All underground systems of distribution that are completely insulated from earth shall be equipped with properly installed ground detectors, of suitable design.
- The condition of such system as indicated by the ground detector shall be noted each day by the person in charge of the underground wiring, or by another competent person, who shall immediately report to him the occurrence of a ground.
- S w i t c h boards.** 9. Main and distribution switch and fuse boards shall be made of incombustible insulating material, such as marble or slate, free from metallic veins, and be fixed in as dry a situation as practicable.
- Gloves, etc., for repair men.** 10. Gloves or mats of rubber or other suitable insulating material shall be provided and used by persons so engaged when repairs are made to the live parts of any electrical apparatus, or when the live parts of electrical apparatus have to be handled for the purpose of adjustment.
- Electrician to be employed.** 11. At every mine where electricity is used below ground, for power, there shall be employed a competent mine electrician, who shall have full charge of the electrical apparatus in the mine, but shall be subject to the authority of the mine foreman.
- Injuries to apparatus.** 12. Any person who shall willfully damage, or, without authority, alter or make connections to any portion of a mine electrical system, shall be guilty of a misdemeanor.

13. Instructions shall be posted in every generating, transforming, and motor-room, and at entrance to the mine, containing directions as to the restoration of persons suffering from electric shock, and all employes working in connection with electrical apparatus shall be familiar with and know how to carry out, these instructions. First aid instructions.

14. A plan shall be kept at the mine, showing the location of all stationary electrical apparatus in connection with the mine electrical system, including permanent cables, conductors, lights, switches, and trolley lines. The plan shall be of sufficient size to show clearly the position of such apparatus, and the scale shall not be less than two hundred feet per inch. There shall be stated on the plan the capacity in horse-power of each motor, and in kilowatts of each generator or transformer, and the nature of its duty. Such plans shall be corrected as often as may be necessary to keep them up to date, at intervals not exceeding six months. Plan of system.

15. In the event of a breakdown, or of damage or injury to any portion of the electrical equipment in a mine, or of overheating, or of the appearance of sparks or arcs outside of enclosing casings, or in the event of any portion of the equipment, not a part of the electrical circuit, becoming alive, every such occurrence shall be promptly reported to the person in charge of electrical equipment. Accidents.

#### SECTION TWO.

16. All switches, circuit breakers, rheostats, fuses, and instruments used in connection with underground motor generators, rotary converters, high voltage motors, transformers, and low and medium voltage motors of more than fifty horsepower capacity, shall be installed upon a suitable switchboard. Similar equipment, for low and medium voltage motors of fifty horsepower and less, may be separately installed, if mounted upon insulating bases of slate or equivalent insulating material. Installations.

17. In underground stations where switchboards are installed, there shall be a passageway in front of the switchboard not less than three feet in width, and, if there are any high voltage connections at the back of the switchboard, any passageway behind the switchboard shall not be less than three feet clear. Passageways.

18. The space of the back of the switchboards shall be properly floored, accessible from each end, and, in the case of high voltage switchboards, shall be kept locked up, but the lock shall allow of the door being opened from the inside without the use of a key. The floor at the back of high voltage boards shall be incombustible. Back space.

19. Where the supply is at a voltage exceeding the limits of medium voltage, there shall be no live metal work on the front of the main switchboard within seven feet of the floor or platform, and the space provided under rule seventeen of this section shall not be less than four feet in the clear. Insulating floors or mats shall be provided for medium voltage boards, where live metal work is on the front. Clear front.

20. In every completely insulated feeder circuit in excess of twenty-five kilowatts capacity, leading underground and operating at a potential not exceeding the limits of medium voltage, there shall be provided above ground a switch on each pole and an automatic overload circuit breaker on at least one pole in the case of direct current circuits, and on at least two poles of poly-phase alternating current circuits. In case of ground return direct current circuits, a switch and circuit breaker shall be installed in the ungrounded side of the circuit, but may be omitted from the return side. Fuses may be substituted for circuit breakers in circuits transmitting twenty-five kilowatts or less. Each circuit leading underground shall be provided with a suitable ammeter. Switches and circuit breakers.

- Same. 21. Every alternating current feeder circuit, leading underground and operating at a potential exceeding the limits of medium voltage, shall be provided above ground with an oil break switch on each pole, such switch or switches to be equipped with an automatic overload trip. Each such circuit shall also be provided with a suitable ammeter.
- Transformer rooms. Break switches for high voltage. 22. Transformer rooms shall be of fireproof construction.
- Medium voltage. 23. Where the potential of circuits entering or leaving a transformer exceeds the limits of medium voltage, they shall be protected by an oil break switch on each pole, each such switch or switches to be equipped with an automatic overload trip.
24. Where the potential of circuits entering or leaving a transformer does not exceed the limits of medium voltage, they shall be protected by a switch and an automatic circuit breaker on each pole, except that fuses may be substituted for the circuit breakers in the case of lighting circuits and in the case of power circuits transmitting twenty-five kilowatts or less.
- Ammeters. 25. All transformers shall be provided with suitable ammeter in either the primary or secondary circuits.
- Insulating covers. 26. All terminals on machines over medium voltage underground shall be protected with insulating covers or with metal covers connected to earth.
- Who may enter stations, etc. 27. No person other than one authorized by the mine foreman shall enter a station or transformer room, or interfere with the working of any apparatus connected therewith.
- Fire buckets. 28. Fire buckets, filled with clean, dry sand, shall be kept in electrical stations and transformer rooms, ready for immediate use in extinguishing fires.

## SECTION THREE.

- High pressure wires. 29. All high pressure wires used inside of the mines shall be in the form of insulated, lead covered or armored conductors, subject to insulation tests, and with carrying capacity according to the rules of the national board of fire underwriters.
- Other conductors. Medium or low pressure conductors may be bare, except in gaseous portions of mines no bare conductors shall be used in rooms, or beyond the last cut through in intake entries.
- Underground cables. 30. All underground cables and wires, other than trailing cables, unless provided with grounded metallic covering, shall be supported by means of efficient insulators. The conductor connecting lamp to the power supply shall in all cases be insulated.
- Main circuits. 31. Every main circuit coming from generating or transformer stations shall there be provided with switches, fuses, and circuit breakers, as described in section two, rules twenty and twenty-one, and rules twenty-three to twenty-five, inclusive.
- Lightning arresters. 32. If the transmission lines of low or medium voltage from the generating station are overhead, there shall be lightning arresters installed in connection therewith at the generating station. If the distance from the generating station to the point where the lines enter the mine is more than five hundred feet, an additional arrester shall be installed at this point, and in no case shall the arresters be more than one thousand feet apart.
- Gaseous mines. 33. In any gaseous mine, or gaseous portions of a mine, the electrical supply shall be brought underground only through such portions of the mine as are ventilated by intake air.
- Branch circuits. 34. Every branch circuit shall be provided, at the point where it leaves the main circuit, with a switch of not less than one hundred ampere capacity, on each pole.
- Size of conductors. 35. The size of all conductors shall be determined with regard to the maximum amount of current which they are to carry, by reference to the table provided by the national board of fire underwriters, which shows maximum current carrying capacities of copper conductors.
- Grounded circuits. 36. One side of grounded circuits shall be very efficiently insulated from earth.

37. Overhead bare wires above ground shall be supported upon insulators which shall be adequate in quality, size, and design for voltage transmitted. Overhead wires.

38. In underground roads the trolley wires shall be installed as far to one side of the passageway as is practicable, and securely supported upon hangers, efficiently insulated, and placed at such intervals that the sag between points of support shall not exceed three inches. The sag between points of support can exceed three inches if the height of the trolley wire above the rail is five feet or more and does not touch the roof when the trolley passes under. Trolley wires.

39. All other wires, except telephone, shot-firing and signal wires, shall be on the same side of the road as the trolley wire. Location of other wires.

40. At all landings and partings where men are required to regularly work or pass under trolley or other bare power wires, which are placed less than six and one-half feet above top rail, a suitable protection shall be provided. This protection may consist of channeling the roof, placing boards along the wire, which shall extend below it, or the use of other approved devices that afford protection. Protection overhead.

41. All branch trolley lines shall be fitted with an automatic trolley switch or section insulator and line switch, or some other device, that will allow the current to be shut off from such branch headings. Branch trolley lines.

42. It is recommended that, where air or water pipes parallel the grounded return of power circuits, the return be securely bonded to such pipes at frequent intervals, to eliminate the possibility of a difference of potential between rails and pipes and to prevent electrolysis of the pipes. The rail return shall be of sufficient capacity for the current used, independent of the capacity of the pipes. On main haulage roads both rails shall be bonded, and cross bonds shall be placed at points not to exceed two hundred feet apart. Parallel pipes.

43. Where wires for electric incandescent lamps are connected to the trolley circuit, the lug of the trolley hanger, to which connection is made, shall be drilled to receive the lighting wire, and provided with a set screw for securing same in place. Lighting wires shall not be wrapped or tied about the stems or studs of trolley hangers. The ground connection for lighting wires taken off the trolley circuit must be made to the track circuit. Lighting wires.

44. Wires for all lighting circuits shall be covered with an insulation adequate for the voltage of the circuit, and strung on porcelain or glass insulators, unless they are encased in pipes or other metallic covering. If separate uncased wires are used they shall be kept at least three inches apart, except where they enter the fittings. If metallic casings are used they shall be grounded efficiently. Insulation.

45. All joints in conductors shall be mechanically and electrically efficient, and, wherever it is possible to do so, they shall be soldered. Wherever the conductors cannot be soldered together, suitable screw clamps or connectors shall be used. All joints in insulated wire shall, after the joint is complete, be re-insulated to at least the same extent as the remainder of the wire. Joints.

46. All high voltage conductors inside of the mines shall be in the form of insulated, lead-covered or armored cables, subject to approved insulation tests, and having carrying capacities in accordance with rule thirty-five, section three. High voltage conductors.

47. Where lead-covered or armored cable is used, the lead or armor shall be electrically continuous throughout and shall be efficiently grounded. Same.

48. The exposed ends of cables, where they enter fittings of any description, shall be so protected and finished off that moisture cannot enter the cable, or the insulating material, if of an oily or viscous nature, leak. Fittings.

49. Where unarmored cables or wires pass through metal frames, or into boxes or motor casings, the holes shall be substantially bushed with insulating bushings, and, where necessary, with gas-tight bushings which cannot readily become displaced. Entering casings, etc.

- Joints.** 50. Where cables other than signal cables are joined, suitable junction boxes shall be used, or the joints shall be soldered, and the insulation, armoring, or lead covering replaced in at least as good condition as it was originally.
- Wires in shafts.** 51. All power wires and cables in hoisting shafts or manway compartments shall be highly insulated and substantially fixed in position.
- Shaft cables whose conductors or covering are not capable of sustaining their own weight shall be supported, at intervals not to exceed twenty-five feet, by suitable grips, which cannot cause abrasion of the covering or insulation, but shall so support the cable that no grip shall carry more than the weight of the cable between any two successive grips. Where the cables are not completely boxed in and protected from falling material, space shall be left between them and the side of the shaft, that they may yield, and so lessen a blow given by falling material.
- Cables in roads.** 52. Where the cables or feed wires, other than trolley wires, in main haulage roads, cannot be kept at least twelve inches from any part of the mine car or locomotive, they shall be specially protected by proper guards.
- Fixing to walls.** 53. Cables and wires, unless provided with metallic coverings, shall not be fixed to walls or timbers by means of uninsulated fastenings.
- Special protection.** 54. When main or other roads are being repaired, or blasting is being carried on, suitable temporary protection from damage shall be given the cables.
- Trailing cables.** 55. Trailing cables for portable machines shall be specially flexible, heavily insulated, and protected with extra stout braiding, hose pipes, or other equally effective covering.
- Inspection.** 56. Each trailing cable in use shall be daily examined by the machine operator, for abrasions and other defects, and he shall also be required to carefully observe the trailing cable while in use, and shall at once report any defect to the person in charge of electrical equipment.
- Defective condition.** 57. In the event of the trailing cable in service breaking down, or becoming damaged in any way, or of its inflicting a shock upon any person, it shall be at once put out of service. The faulty cable shall not again be used until it has been repaired and tested by a properly authorized person.
- Division at motors.** 58. The trailing cable shall be divided at the motor, but only for such length as is necessary for making connection to the motor, and the cable, with its outer covering complete, shall be securely clamped to the motor frame in such a manner as to protect the cable from injury, and to prevent any mechanical strain being borne by the single ends that make electrical connection to the motor.
- Terminal boxes.** 59. In gaseous portions of mines, a fixed terminal box shall be provided at the points where trailing cables are attached at the power supply. This terminal box shall be flame-proof and shall contain a switch and fuse on each pole of the circuit. The switch shall be so arranged that it can only be operated from without the box, when the latter is completely closed, and the switch shall also be so constructed that the trailing cables cannot be attached or removed when the switch is closed.

## SECTION FOUR.

- Fuses, etc.** 60. Fuses and automatic circuit breakers shall be so constructed as effectually to interrupt the current on short circuit, or when the current through them exceeds a predetermined value. Open type fuses shall be provided with terminals.

Circuit breakers shall be adjustable to trip at from fifty per centum to one hundred and fifty per centum of their normal rated capacity, and provided with an indicator which shall show at what current the circuit breaker is set to trip.

61. Fuses shall be stamped or marked, or shall have a label attached, indicating the maximum current which they are intended to carry. Fuses shall only be adjusted or replaced by a competent person authorized by the mine foreman. Marking.

62. Circuit breakers used to protect feeder circuits shall be set to trip when the current exceeds by more than fifty per centum the current carrying capacity of the feeder. In case the feeder is subjected to overloads sufficient to trip the circuit breaker, but of short duration, the circuit breaker may be equipped with a device which will prevent its acting, unless the overload persists for a longer period than ten seconds. Circuit breakers on feeders.

63. Fuses used to protect feeders shall have a less current rating than the feeder. Fuses on feeders.

64. All switches, circuit breakers, and fuses shall have incombustible bases. Bases.

65. All points at which a circuit, other than a signal circuit, has to be made or broken, shall be provided with proper switches. The use of hooks or other makeshifts is prohibited, except that connection for gathering locomotives, or locomotives and machines used in driving headings or rooms, may be made to the trolley by means of suitable hooks; switches shall be so installed that they cannot be closed by gravity. In any gaseous portion of a mine, switches, circuit breakers, or fuses shall not be of the open type, but must be enclosed in explosion-proof casings or break under oil. Switches.

## SECTION FIVE.

66. Every stationary motor underground, together with its starting resistance, shall be protected by a fuse on each pole or circuit breaking device on at least one pole for direct current, and two poles for alternating current, motors, and by switches arranged to entirely cut off the power from the motor. The above devices shall be installed in a convenient position near the motor, and every stationary underground motor of one hundred brake horsepower, or over, shall be provided with a suitable meter to indicate the load on the machine. Stationary motors.

67. In any gaseous portion of a mine, all motors, unless placed in such rooms as are separately ventilated with intake air, shall have all their current carrying parts, also their starters, terminals, and connections, completely enclosed in explosion proof enclosures made of noninflammable material. These enclosures shall not be opened except by an authorized person, and then only when the power is switched off. The power shall not be switched on while the enclosures are open. Gaseous mines.

68. Motors used for operating fans in nongaseous mines, where they are so situated that they are not under constant supervision of a competent man, shall be totally enclosed (not necessarily explosion proof), unless placed in a chamber or passageway completely lined with incombustible material, and the chamber or passageway itself free from combustible material. Motors for fans.

69. In working places where gas is likely to be encountered, a safety lamp, or other suitable apparatus for the detection of fire damp, shall be provided for use with each machine when working, and should any indication of fire damp appear on the flame of the safety lamp, or other apparatus used for the detection of fire damp, the person in charge shall immediately stop the machine, cut off the current at the nearest switch, and report the matter to the mine foreman. Indication of gas.

70. All enclosed motors used underground shall be opened and thoroughly inspected by the persons in charge of electrical equipment, or his assistant, at least once a week, and, where necessary, shall then be cleaned and repaired. Enclosed switches shall be opened and inspected at least once a month. Inspection of motors.

71. No man shall be placed in charge of a coal-cutting machine in any gaseous portion of a mine who is not a competent person, capable of determining the safety of the roof and sides of the working place and detecting the presence of explosive gas. Cutting machines.

- Inspection.** 72. In any gaseous portion of a mine, a coal-cutting machine shall not be brought within the last break through next the working face, until the machine man shall have made an inspection for gas in the place where the machine is to work, unless such examination is then made by some other competent person authorized or appointed for that purpose by the mine foreman. If any explosive gas is found in the place, the machine shall not be taken in.
- Frequency.** 73. No coal-cutting machine shall be continued in operation in a gaseous portion of a mine for a longer period than half an hour without an examination as above described being made for gas, and if gas is found the current shall at once be switched off the machine, and the trailing cable shall forthwith be disconnected from the power supply.
- Notice.** 74. The person finding gas shall at once report the fact to the fire boss or mine foreman, and the machine shall not again be started in such place until the fire boss, or a person duly authorized by the mine foreman, has examined it and pronounced it safe.
- Duty of operator.** 75. The person in charge of a coal cutter or drilling machine shall not leave the machine while it is working, and shall, before leaving the working place, see that the current is cut off from the trailing cables.
- Defective condition.** 76. In any gaseous portion of a mine, if any electric sparking or arc be produced outside a coal-cutting or other portable motor, or by the cables or rails, the machine shall be stopped, and not be worked again until the defect is repaired, and the occurrence shall be reported to an official of the mine.

## SECTION SIX.

- Use of trolleys.** 77. Electric haulage by locomotives operated from a trolley wire is not permissible in any gaseous portions of mines, except upon the intake air, fresh from the outside.
- Voltage.** 78. In no case shall the potential used in the trolley system be higher than medium voltage.
- Storage battery haulage.** 79. Storage battery locomotives shall be used in gaseous mines, only when the boxes containing the cells and all electrical parts are enclosed in flame and explosion-proof casings. (For regulations covering the installation of the trolley wire, see section three, rules thirty-eight to forty-two, inclusive.)

## SECTION SEVEN.

- Arc lamps.** 80. Arc lamps shall not be used in gaseous mines, except under conditions where trolley locomotives are allowable.
- Type.** 81. If arc lamps are used underground in coal mines, they shall be of the enclosed arc type, and shall not be used in situations where there is likely to be danger from the presence of coal dust.
- Incandescent lamps.** 82. In all mines, the sockets of fixed incandescent lamps shall be of the so-called "weather-proof" type, the exterior of which shall be entirely non-metallic. Flexible lamp cord connections are prohibited, except for portable lamps, as covered by rule eighty-five.
- Protection.** 83. In any gaseous portions of a mine, except where ventilated by fresh intake air, incandescent lamps shall be protected by gas-tight fittings of strong glass, except that lamps of two hundred and twenty volts, or higher, and of not more than eight candlepower and without tips, need not be so protected.
- Location.** 84. Incandescent lamps shall be so placed that they cannot come in contact with combustible material.
- Portable lamps.** 85. Portable incandescent lamps, other than battery lamps, shall not be used except in connection with the repair and inspection of machines and equipment, and then only in nongaseous portions of mines. When so used they shall be protected by a heavy wire cage, completely enclosing both lamp and socket, and shall be provided with a handle to which both cage and socket are firmly attached and through which the leading-in wires are carried.

86. Electric lamps shall be replaced by a competent person only, and, in gaseous portions of a mine, only after an examination for gas has been made with a safety lamp. Replacing lamps.

For other regulations regarding electric lighting circuits, see section three, rules forty-three to forty-five, inclusive.

## SECTION EIGHT.

87. Electricity from any grounded circuit shall not be used for firing shots. Firing shots.

88. When shot-firing cables or wires are used in the vicinity of power or lighting conductors, special precaution shall be taken to prevent the shot-firing cables or wires from coming in contact with the light, power, or any other circuits. Same.

89. Only competent persons, who have the necessary training and skill, and who have been properly instructed in the work, and duly authorized by the mine foreman, shall be allowed to fire shots electrically in any mine. Shot firers.

90. All electric detonators and leads thereto shall be suitable for the conditions under which the blasting is carried on, and shall be of a type approved by the testing station of the Federal Bureau of Mines. Detonators shall be kept in a dry place, and never stored with any other explosive. Detonators.

91. Portable shot-firing machines, sometimes called generators, shall be enclosed in a tightly constructed case, when employed in any portion of the mine. All contacts, when made or broken, shall be within the case, except that the binding posts for making connections to the firing leads may be outside. Portable shot-firing apparatus.

92. Primary or secondary batteries used for shot firing shall be provided with a suitable case, covered by rule ninety-one. The batteries shall be constructed so that, if the wires of the detonator or leads should accidentally or otherwise come in contact with the binding posts, no current will be discharged. They shall be provided with a detachable handle, plug, or key, without which the current cannot be closed, or provided with one or more safety contact buttons, which are well countersunk or protected by a nonconducting housing. The plugs, handles, or keys shall be detached when not actually in use for firing a shot, and shall not, under any circumstances, pass from the personal custody of the person commissioned to fire the shots, while on duty. Batteries.

93. All portable devices for generating or supplying electricity for shot firing, when in a mine, shall be in charge of the person commissioned to fire the shots. Who to have charge.

94. No firing machine or battery shall be connected to the shot-firing leads until all other steps preparatory to the firing of a shot have been completed, and all persons have moved to a place of safety, and no person other than the shot firer shall make such connection. Connecting.

95. Immediately after the firing of a shot, the firing leads shall be disconnected from the supply or source of electricity, and no person shall approach a shot which has failed to explode, until the firing leads have been so disconnected by the shot firer from the device and an interval of five minutes has elapsed since the last attempt to fire the shot. Disconnecting.

96. Frequent tests shall be made of all devices covered by rule ninety-three, to insure that their capacity has not been decreased by use or accident. Tests.

97. The use of special electrical shot-firing systems, or equipment not covered by the foregoing, shall receive the approval of the testing station of the Federal Bureau of Mines. Special systems.

## SECTION NINE.

98. All proper precautions shall be taken to prevent electric signal and telephone wires from coming into contact with other electric conductors, whether insulated or not. Wires not to come into contact.

- Equipment for signaling.** 99. Bells, wires, insulators, contact makers, and other apparatus used in connection with electric signaling underground, shall be of suitable design, of substantial and reliable construction, and erected in such a manner as to reduce the liability of failures or false signals to a minimum.
- Potential.** 100. In any gaseous portion of a mine, the potential used for signal purposes shall not exceed twenty-four volts, and bare wires shall not be used for signal circuits, except in haulage roads.
- Telephones.** 101. It is recommended that telephonic communication be established between the outside of the mine and the principal points of operation underground.

## SECTION TEN.

- Relighting stations.** 102. If in any place or portion of a mine, in which safety lamps are used, they are relighted underground by electricity, the mine foreman shall select a suitable station or stations, not being in the return airway, and where there is not likely to be any accumulation of inflammable gas; and no electric relighting apparatus shall be used in any other place. All electrical relighting apparatus shall be securely locked, and shall not be available for use except by persons authorized by the mine foreman to relight safety lamps, and such persons shall examine all safety lamps brought for relighting, before they are reissued.

## ARTICLE XII.

- Openings on adjacent lands.** SECTION 1. If any person, firm, or corporation is or shall hereafter be seized in his or their own right of coal lands, or shall hold such lands under lease, and shall have opened or shall desire to open a coal mine on said land, and it shall not be practicable to drain or ventilate such mines, or to comply with the requirements of this act as to ways of ingress and egress or traveling ways, by means of openings on lands owned or held under lease by him, them, or it, and the same can be done by means of openings on adjacent lands, he, they, or it may apply by petition to the court of quarter sessions of the proper county, after ten days' notice to the owner or owners, their agents or attorney, setting forth the facts under oath or affirmation, particularly describing the place or places where such opening or openings can be made, and the pillars of coal or other material necessary for the support of such passageway and the right of way necessary to any public road as may be needed in connection with such opening, and that he or they cannot agree with the owner or owners of the land as to the amount to be paid for the privilege of making such opening or openings; whereupon the said court shall appoint three disinterested and competent citizens of the county, to view the ground designated and lay out, from the point or points mentioned in such petition, a passage or passages not more than eighty feet in area, by either drift, shaft, or slope, or by a combination of any of said methods, by any practicable and convenient route, to the coal of such person, firm, or corporation, preferring in all cases an opening through the coal strata where the same is practicable.
- Viewers.** The said viewers shall at the same time assess the damages to be paid by the petitioner or petitioners to the owner or owners of such lands, for the coal or other valuable material to be removed in the excavation and construction of said passage, also for such coal or other valuable material necessary to support the said
- Assessment.** passage, as well as for a right of way, not exceeding fifteen feet in width, from any such opening to any public road, to enable persons to gain entrance to the mine through such opening, or to provide therefrom upon the surface a watercourse of suitable dimensions to a natural water stream, to enable the operator to discharge the water from said mine, if such right of way shall be desired by the petitioner or petitioners, which damages shall be fully paid before such opening is made. The proceedings shall be
- Right of way.**

recorded in the road docket of the proper county, and the pay of the viewers shall be the same as in road cases. If exceptions be filed, they shall be disposed of by the court as speedily as possible, and both parties shall have the right to take depositions as in road cases. If, however, the petitioner desires to make such openings or roads or waterways before the final disposition of such exceptions, he shall have the right to do so by giving bond, to be approved by the court, securing the damages as provided by law in the case of lateral railroads.

Exceptions.

Bond.

SEC. 2. It shall be compulsory upon the part of the mine owner or operator to exercise the powers granted by the provisions of the last preceding section, for the procuring of a right of way on the surface from the opening of a coal mine to a public road or public roads, upon the request in writing of fifty miners employed in the mine or mines of such owner or operator: *Provided, however,* That with such request satisfactory security be deposited with the mine owner or operator by said petitioners (being coal miners), to fully and sufficiently pay all costs, damages, and expenses caused by such proceedings and in paying for such right of way.

Proceedings compulsory, when.

Security.

SEC. 3. In any mine or mines, or portions thereof, wherein water may have been allowed to accumulate in large and dangerous quantities, putting in danger the adjoining or adjacent mines and the lives of the miners working therein, and when such can be tapped and set free and flow by its own gravity to any point of drainage, it shall be lawful for any operator or person having mines so endangered, with the approval of the inspector of the district, to proceed to remove the said danger by driving a drift, or drifts, protected by bore holes, as provided for by this act, and in removing said danger it shall be lawful to drive across property lines if needful.

Removal of water.

And it shall be unlawful for any person to dam, or in any way obstruct, the flow of any stream from said mine or portions thereof, when so set free, on any part of its passage to point of drainage.

Interference.

SEC. 4. From and after the passage of this act, it shall and may be lawful for any person or persons, company or companies, now or hereafter to be incorporated in this Commonwealth, to drive headings and construct entryways, tramways, and mine tracks, with one or more tracks, under the surface, or partly under and partly over the surface, through or over any intervening lands, not exceeding one mile in length, to or from any coal, and connect the same with any entryways, headings, tramways, or railroads belonging to any individual or individuals, company or companies, now or hereafter to be incorporated in this State, and also with any highway or public improvement: *Provided,* That the parties interested shall be subject to the same proceedings required in section one of this article: *And provided further,* That no such entryway, heading, tramway, mine track, or railroad shall be constructed through or over such intervening lands where the same would injure or interfere with the existing mining operations of any other person or company, or where the same would endanger the safety of the employees therein.

Headings, entryways, etc.

## ARTICLE XIII.

SECTION 1. The operator or the superintendent of every mine, in which fifty or more persons are employed inside, shall provide, and keep in good condition at the principal entrance of the mine, or at such other place as the superintendent and inspector may determine and designate, one ambulance and at least two stretchers for conveying to his place of abode any person that may be injured while in the discharge of his duties, and also woolen and waterproof blankets: *Provided,* That if the places of abode of ninety per centum of the workmen at any mine are within a radius of one mile from the principal entrance to the mine, an ambulance

Provisions for accidents.

shall not be required: *Provided further*, That where two or more mines are located within one mile of each other, or where the ambulance is located within one mile of each mine, only one ambulance as aforesaid shall be required if such mines have ready and quick means of communication by telegraph or telephone.

**Ambulances.** SEC. 2. The ambulance shall be constructed upon good substantial easy springs. It shall be covered and closed, and shall have windows on the sides or ends, and shall be provided with spring mattresses or other comfortable bedding, to be placed on roller frames, together with sufficient covering and protection for the convenient movement of the injured. It shall be of sufficient size to convey at least two injured persons and two attendants at one time, and shall be provided with seats for the attendants. The stretchers shall be constructed of such material, and in such a manner, as to insure ease and comfort in the carriage of the injured persons.

**Bandages, etc.** At all mines there shall be provided bandages, splints, and other medical supplies, to render first aid and relief to employes who may be injured. These supplies shall be kept in a suitable room. The room shall be located near the entrance to or inside of the mine, and shall be sufficiently large to accommodate the injured employes while they are receiving temporary medical attention.

**Removal of injured men.** SEC. 3. Whenever any person employed in or about any mine shall receive such an injury, by accident or otherwise, as to render him unable to walk to his place of abode, the operator or the superintendent shall immediately have said person removed to his place of abode or to a hospital, as the case may require.

**Other methods of conveyance.** SEC. 4. If the conditions are such that the person injured can be conveyed to his home or to the hospital more conveniently and more quickly by railroad, trolley road, or other conveyance, such mode of conveyance shall be permitted and no ambulance required, but in such cases the conveyance must be under cover and the comfort of the injured person must be provided for.

#### ARTICLE XIV.

**Wash rooms.** SECTION 1. When the clothing or wearing apparel of the employes in any mine becomes wet, by reason of working in wet places therein, it shall be the duty of the operator or superintendent of said mine, at the request in writing of the inspector, who shall make such request upon the petition of any ten employes working in the aforesaid wet places, to provide a suitable building, convenient to the principal entrances of such mine, for the use of the persons employed in wet places therein, for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom. The said building shall be maintained in good order and be properly lighted and heated, and shall be provided with hot and cold water and facilities for persons to wash. Any operator, superintendent, or inspector who shall neglect or fail to comply with the provisions of this article, or any person who shall maliciously injure or destroy, or cause to be injured or destroyed, the said building, or any part thereof, or any of the appliances or fittings used therein, or do any act tending to the injury or destruction thereof, shall be deemed guilty of a misdemeanor.

#### ARTICLE XV.

**Stables.** SECTION 1. It shall not be lawful for the superintendent or mine foreman to provide a horse or a mule stable inside of any mine, unless space for said stable is excavated in solid strata of rock, slate, or coal. If excavated in the coal seam, the wall shall be built of brick, stone, or concrete, not less than twelve inches in thickness, and said wall shall be built from the bottom slate to the roof. Wood or other combustible material shall be used in the smallest practicable quantity in the construction of the inside

of said stable. The air current used for the ventilation of said stable shall not be intermixed with the air current used for ventilating any other portion of the mine, but shall be conveyed directly to the return air current. No open light shall be permitted in any stable in any mine.

No hay or straw shall be taken into any mine, unless pressed and made up into compact bales, which shall be kept in a storehouse built apart from the stable and in the same manner as the stable. Under no circumstances shall the hay be stored in the stable. Hay or straw.

#### ARTICLE XVI.

SECTION 1. No powder or high-explosive shall be stored in any mine, and no more of either article shall be taken into any mine at one time, by any one person, than is required in one shift. The quantity shall not exceed five pounds: *Provided*, That in a mine where shot firers are employed, the shot firers shall have the right to take a sufficient quantity to complete their work. Amount of powder, etc.

Black powder for use in mines shall be put up in five, ten, fifteen, and twenty-five pound metallic cans or canisters, or receptacles of equally safe material. Cans.

No black powder, high-explosives, or detonators shall be hauled on any electric motor trip in any mine, unless the same are encased in nonconductive boxes or receptacles.

SEC. 2. In such portions of dry and dusty mines, wherein explosive gas is being generated in quantities sufficient to be detected by an approved safety lamp, no explosives shall be used except "permissible" explosives, as designated by the testing station of the Federal Bureau of Mines. Each charge shall consist of only one kind of explosive. The department of mines shall forward to the operators, upon application, the names of all explosives on the permissible list. Explosives.

No "permissible" explosive shall be sold for use in bituminous mines, unless the name of the manufacturer, name of explosive, method of handling, and full instruction for use are conspicuously displayed on or in the package containing the explosive. Labeling.

SEC. 3. Detonators shall at all times be kept in securely locked cases, separate and apart from other explosives, until required for use. Detonators.

The chief of the department of mines, when satisfied by tests that any permissible explosive has deteriorated from the standard established by the testing station of the Federal Bureau of Mines, and thereby becomes dangerous, may prohibit the use thereof, either absolutely or subject to conditions. Defective explosives.

#### ARTICLE XVII.

SECTION 1. The oiling or greasing of cars inside of any mine is strictly prohibited, unless the place where said oil or grease is used is thoroughly cleaned at least once every day to prevent the accumulation of waste, oil, or grease on the roads or in the drains at that point. Not more than one barrel of lubricating oil shall be permitted in any mine at one time, and it shall be kept in a fireproof building, cut out of solid rock, or made of masonry or concrete of sufficient thickness to insure safety in case of fire. Lubricating oil.

SEC. 2. No explosive oil shall be taken into or used in any mine for lighting purposes, except when used in safety lamps, and shall not be taken into or stored in any mine in quantities exceeding five gallons. Said oil when stored in a mine shall be kept in a fireproof vault made of masonry or concrete. Illuminating oil.

SEC. 3. All oils or materials used in open lamps shall be non-explosive, and free from odors and fumes deleterious to health, and shall have a burning point not lower than three hundred degrees, and must not produce over eleven one-hundredths of one per centum of their weight of soot when burned in a miner's lamp with a flame one and one-half inches high; the determination of Same.

the percentage of soot to be by tests specified by the department of mines.

- Wax.** SEC. 4. Paraffine wax used in mines shall not contain over three per centum of oil.
- Branding of containers.** SEC. 5. All illuminants sold to be used in open lamps in mines shall have branded conspicuously on the barrel or package containing the same the name of the manufacturer, date of shipment, and percentage of soot.
- Violations.** SEC. 6. Any employe who shall use, or any mine foreman who shall permit to be used, or any person who shall sell for use, in any mine, any oil or any other material for illuminating purposes other than that prescribed in this article, shall be guilty of a misdemeanor: *Provided, however,* That any illuminant that is found not detrimental to health and safety, after the proper tests specified by the department of mines, can be used in any mine with the consent of the inspector.
- Duty of inspector.** SEC. 7. It shall be the duty of the inspector, whenever he has reason to believe that an illuminant is being used, or sold, or offered for sale, in violation of the provisions of this article, to take samples of the same and have them tested under the direction of the department of mines.

#### ARTICLE XVIII.

- Employment of women and children.** SECTION 1. No boy under the age of fourteen years, and no woman or girl of any age, shall be employed, permitted or suffered to work in or about any mine, and no boy under the age of eighteen years shall be permitted to mine or load coal in any room, entry, or other working place, unless in company with an experienced person over eighteen years of age.
- Employment certificates.** No boy under the age of sixteen years shall be employed in or about any mine, unless during the entire period that said boy is so employed there is on file in the office of said mine, and accessible to the inspector, an employment certificate issued by the city, borough, township, or county superintendent of public schools, or by the secretary of the school board of the township, borough, or city, or by a principal of a parochial school, or by such superintendent's, secretary's, or principal's duly appointed deputy or assistant reciting the age of said boy as it appears on any record that the person who issues said certificate has reason to believe to be true and correct, or, if such record of age be lacking, reciting the age of said boy according to an affidavit taken by his parent, guardian, or custodian, and attached to said certificate, and said certificate and the affidavit, if any, shall for the purposes of this act be conclusive evidence of the age of said boy.
- Girls in offices.** Nothing in this section shall be held to forbid the employment of a girl between the ages of fourteen and sixteen years in the office of a mine: *Provided,* That, during the entire period of said employment, there is in like manner on file for said girl, in said office, an employment certificate of the character hereinbefore provided for as a prerequisite to the employment of boys under the age of sixteen years inside any mine.
- Non compliance by superintendent and foreman.** SEC. 2. Any superintendent or mine foreman who fails to comply with the provisions of this article shall be deemed guilty of a misdemeanor, and it shall be the duty of the inspector, or any other person who knows that the superintendent or mine foreman has violated any of the provisions of this article, to prosecute said superintendent or said mine foreman in accordance with section two of article twenty-six of this act; and any person who shall falsely certify or swear to the age of any boy or girl, in the certificate and affidavit described and required by section one of this article, shall be deemed guilty of a misdemeanor.
- False certificate.**

#### ARTICLE XIX.

- Mine inspectors' examining board.** SECTION 1. The governor shall appoint during the month of January, one thousand nine hundred and thirteen, and every four years thereafter, five citizens of this Commonwealth, of good re-

pute, to be known as the mine inspectors' examining board, whose duty it shall be to examine applicants for the office of inspector in the bituminous coal region of this Commonwealth. Two of the members of said board shall be mining engineers, and three of the members shall have passed successful examinations qualifying them to act as inspectors or mine foremen in bituminous mines generating explosive gas, and shall have had at least five years' practical experience as miners in the bituminous mines of Pennsylvania. Applicants for appointment on the said examining board shall be at least thirty years of age.

Each member of the examining board shall receive the sum of ten dollars a day for each day actually employed, and all necessary expenses incurred in carrying out the provisions of this article, which shall be paid out of the State treasury, on warrant of the auditor general, issued upon presentation of vouchers properly made out and sworn to by each member of the board, and approved by the chief of the department of mines. The examining board is hereby authorized to engage the services of a clerk, who shall be a stenographer.

Any vacancy that may occur in the membership of the examining board shall be filled by the governor, according to the provisions of this section.

SEC. 2. The said examining board shall meet on the first Tuesday in March following its appointment, in the city of Pittsburgh, to examine applicants for the office of inspector. Two weeks previous to the aforesaid time the board shall meet to prepare questions and formulate rules for conducting the examination. The board may also be convened by the governor, at any other time, for the purpose of filling vacancies or performing any other necessary work.

The board, after being duly organized, shall take and subscribe to, before any officer authorized to administer the same, the following oath, namely:

We, the undersigned, do solemnly swear (or affirm) that we will perform the duties of examiners of applicants for appointment as inspector of mines to the best of our ability, and that in recommending or rejecting said applicants we will be governed by the evidence of their qualifications to fill the position, and not by any consideration of political or personal favor, and that we will certify all whom we may find qualified according to the true intent and meaning of this act, and none other.

The oaths of the members of the examining board shall be filed in the department of mines.

SEC. 3. The qualifications of candidates for the office of inspector shall be certified to the examining board, and shall be as follows:

The candidates shall be citizens of Pennsylvania, of temperate habits, of good repute as men of personal integrity, in good physical condition, and shall be between the ages of thirty and fifty years: *Provided, however,* That any inspector appointed under the provisions of the act of May fifteen, one thousand eight hundred and ninety-three, or under the provisions of this act, shall be eligible for reappointment, even if beyond fifty years of age, if in good physical condition. The candidates shall have a knowledge of the different systems of working coal seams, and shall have had at least ten years' practical experience in bituminous mines, five years of which, immediately preceding their examination, shall have been in bituminous mines of this Commonwealth, and shall also have had practical experience with explosive gas and other dangerous gases found in coal mines; and, upon examination, shall give evidence of such theoretical as well as practical knowledge and general intelligence respecting mines and mining, and the working and ventilation of mines, as will satisfy the examining board of their capability and fitness for the duties imposed upon inspectors of mines by the provisions of this act.

SEC. 4. The principal examination shall be in writing, and each applicant shall also undergo an oral examination pertaining to ex-

Compensation.

Clerk.

Vacancies.

Meetings.

Oath of office.

Qualifications of applicants.

Examinations.

- plusive gas, safety lamps, methods of ventilation, and mine management. The questions and answers thereto in the oral examination shall be reported verbatim by an expert stenographer, and typewritten fully, to assist the board in the work of rating the qualifications of the candidates. Candidates who shall make a general average of at least ninety per centum shall be deemed successful. The manuscripts and other papers of all applicants in the principal examination, together with the tally sheets and the correct solution of each question as prepared by the examining board, and also the stenographer's report of the oral examination, shall be filed in the department of mines. The examining board, or at least four members thereof, shall certify to the governor, and also to the department of mines, the names and percentages of all successful candidates who are properly qualified, under the provisions of this article, to fill the office of inspector. A certificate of qualification prepared by the chief of the department of mines shall be issued to each successful candidate.
- The examining board shall, as soon as practicable after the examination, furnish to each applicant, on printed slips of paper, a copy of all questions (oral and written) given at the examination, marked "solved right," "imperfect," or "wrong," as the case may be.
- Papers to be filed.** SEC. 5. The governor shall, from the names certified to him by the examining board, commission one person to be inspector for each district, in pursuance of this act, whose commission shall be for a full term of four years from the fifteenth day of May following the regular examinations. Each inspector appointed under the provisions of the act of May fifteen, one thousand eight hundred and ninety-three, may continue in office until May fifteen, one thousand nine hundred and thirteen.
- Certificate.** After the passage of this act, the chief of the department of mines shall have the right to assign the inspectors to the districts for which, in his opinion, they are best fitted.
- Inspectors to be appointed.** SEC. 6. When a vacancy occurs in said office of inspector, the governor shall commission for the unexpired term, from the names on file in the department of mines, a person who has received an average of at least ninety per centum. When the number of candidates who have received an average of at least ninety per centum shall be exhausted, the governor shall cause the aforesaid examining board to meet for a special examination, and examine the persons who may present themselves for examination in accordance with section three of this article, and the board shall certify to the governor, and also to the chief of the department of mines, the names of all applicants who have made a general average of at least ninety per centum in said examination, as provided for in section four of this article; one of whom shall be commissioned by the governor, according to the provisions of section five of this article, for the office of inspector for the unexpired term. In conducting the said special examination the board shall comply with all the requirements of sections three and four of this article.
- Assignments.** SEC. 7. After the passage of this act, the salary of the inspectors shall be three thousand dollars a year, to be paid quarterly by the State treasurer, on warrant of the auditor general, issued upon the presentation of voucher approved by the chief of the department of mines. Each inspector may also incur traveling expenses, and such other expenses as may be necessary for the proper discharge of his duties under the provisions of this act, which shall be paid quarterly by the State treasurer, on warrant of the auditor general, issued upon presentation of vouchers properly made out and sworn to by the inspector and approved by the chief of the department of mines. Each inspector shall have an office in his district, which may be at his place of residence: *Provided*, That a suitable room, approved by the chief of the department of mines, be set apart for that purpose. The chief of the department of mines shall have authority to procure for the inspectors, on their request, furniture, instruments, chemicals, typewriters, stationery,
- Vacancies.**
- Special examination.**
- Salaries.**
- Expenses.**
- Offices.**

and all other necessary supplies, which shall be paid for by the State treasurer, on warrant of the auditor general, issued upon presentation of vouchers approved by the chief of the department of mines. All furniture, instruments, plans, books, memoranda, notes and other materials pertaining to the office of inspector, shall be the property of the State, and shall be delivered by the inspector to his successor in office.

Supplies.

Property of the State.

SEC. 8. The inspectors shall be allowed all necessary expenses incurred by them in enforcing the several provisions of this act in the respective courts of this Commonwealth (provided they have the consent of the department of mines before such expense is incurred), the same to be paid by the State treasurer, on warrant of the auditor general, issued upon presentation of itemized vouchers approved by the court before which the proceedings were instituted, and also by the chief of the department of mines.

Court costs.

SEC. 9. Each inspector shall, before entering upon the discharge of his duties, give bond in the sum of five thousand dollars, with sureties to be approved by the president judge of the district in which he resides, conditional for the faithful discharge of his duties; and shall take an oath, or make affirmation, that he will discharge his duties with impartiality and fidelity, to the best of his knowledge and ability. But no person who is acting as manager or agent of any coal mine, or as mining engineer, or who is interested in operating any coal mine, shall at the same time act as inspector under this act.

Bond.

Who ineligible.

SEC. 10. In case the inspector becomes incapacitated to perform the duties of his office, or is granted a leave of absence by the chief of the department of mines, it shall be the duty of the governor, at the request of the chief of the department of mines, to appoint temporarily to the office a person on the eligible list of applicants filed in the department of mines. The temporary inspector shall act until the regular inspector is able to resume the duties of his office, and shall be paid in the same manner as hereinbefore provided for the payment of the regular inspector.

Temporary appointments.

SEC. 11. Each inspector shall devote the whole of his time to the duties of his office. It shall be his duty to thoroughly examine each mine in his district as often as possible (but at least once every four months), giving special attention to all mines generating explosive gas, and to other mines where unusual dangers may be suspected to exist, and to see that all the provisions of this act are observed and strictly carried out, especially those that demand that the air current be carried to the working faces. He shall keep in his office a record of all examinations of mines, showing the condition in which he finds them, especially with reference to ventilation and drainage, the number of persons employed inside of each mine, the extent to which the law is obeyed, and the progress made in the improvement of mines. He shall keep a record of all serious accidents, showing the nature and causes thereof, and the number of deaths resulting therefrom.

Duties of inspectors.

Record.

SEC. 12. It shall be the duty of the inspector, after the final examination of any mine, to make out a written, or partly written and partly printed, report of the condition in which he finds it, and to post the said report, immediately after the final examination, in the office at the mine, or in some other conspicuous place, where it shall remain for one year, open to examination by any person employed in or about the said mine. The report shall show the date of the inspection, the number of cubic feet of air in circulation, where the measurement of the air was made, and the quantity of air as measured at the last cut through in each split, together with the number of persons employed in each split, and also at any other place requested by the chief of the department of mines. The report shall contain such other information as the inspector may deem necessary.

Report.

Contents.

If the inspector discovers any room, entry, airway, or other working places being driven in advance of the air current, contrary to the requirements of this act, he shall order the workmen in such places to cease work at once, until the law is complied with.

Violations.

- Inspector's powers, etc.** SEC. 13. To enable the inspector to perform the duties imposed upon him by this act, he shall have the right at all times to enter any mine in his district, or any mine in any other district when directed to do so by the chief of the department of mines, to make examinations or obtain information; and upon the discovery of any violation of this act, or upon being informed of any violation of the act, he shall institute proceedings against the person or persons at fault, under the provisions of section two of article twenty-six of this act. In case any mine or portion of a mine is, in the judgment of the inspector, in so dangerous a condition, from any cause, as to jeopardize life and health, he shall at once notify the chief of the department of mines, who shall immediately direct two or more of the other inspectors to accompany promptly the said inspector to the mine wherein said dangerous condition is alleged to exist. The inspectors shall make a full investigation, and if they shall agree that there is immediate danger they shall direct the superintendent of the mine, in writing, to remove forthwith said dangerous condition. If the superintendent fails to do so, the inspectors shall immediately apply, in the name of the Commonwealth, to the court of common pleas of the county in which said mine is located, or to a judge of said court in chambers, for a writ of injunction, to enjoin the operation of all work in and about said mine. Whereupon said court, or judge, shall at once proceed to hear and determine the case; and if the cause appear to be sufficient, after hearing the parties and their evidence, as in like cases, shall issue its writ to restrain the working of said mine until all cause of danger is removed; and the costs of said proceedings shall be borne by the owner, lessee, or agent of the mine: *Provided*, That if said court shall find the cause not sufficient, then the case shall be dismissed, and the costs shall be borne by the county wherein said mine is located: *Provided also*, That should any inspector find during his inspection of a mine, or portion of a mine, such dangerous conditions existing therein that in his opinion, any delay in removing the workmen from such dangerous places might cause loss of life or serious personal injury to the employes, the said inspector shall have the right to temporarily withdraw all persons from such dangerous places until the foregoing provisions of this section can be carried into effect.
- Dangerous conditions.**
- Injunction.**
- Hearing.**
- Costs.**
- Withdrawing workmen.**
- Monthly reports.** SEC. 14. Each inspector shall make the following reports to the chief of the department of mines, on blank forms provided for that purpose: Not later than the tenth of each month he shall make a report of all fatal and serious nonfatal accidents that have occurred in his district during the preceding month, stating the date, nature, and cause of each accident, and placing the responsibility therefor, together with the name, age, occupation, and nationality of each person killed or injured, and whether married or single, and the number of widows and orphans left; which report shall be recorded and filed in the department of mines, and included (or a synopsis of the same) in the annual report of said department. Not later than the sixth of each month he shall make a report, giving the name of operator, and the name and location of each mine inspected during the preceding month, with date of inspection, condition of mine, quantity of air in circulation at all points required by the chief of the department of mines, and the number of persons employed in each split of air. Not later than the twentieth of February of each year he shall make an annual report, which shall briefly recapitulate the duties performed by him during the preceding year, and briefly describe the condition of the mines in his district relative to ventilation, drainage, and general sanitary arrangements, as relating to the health, safety, and welfare of the employes, and which shall also contain such suggestions or information of importance as he may deem necessary, or as required by the chief of the department of mines.
- Accidents.**
- Inspections.**
- Annual reports.**

ARTICLE XX.

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

Appeals.

Appeals to courts.

Commission.

SEC. 2. Whereupon the court, or the judges of said court in chambers, shall forthwith appoint a commission of five persons as required by article ten of this act, and thereafter the proceedings had shall be as prescribed by sections one and two of said article ten.

ARTICLE XXI.

SECTION 1. The court of common pleas in any county or district, upon a petition signed by not less than fifteen reputable citizens, who shall be miners or operators of mines, and with the affidavit of one or more of said petitioners attached, setting forth that any inspector of mines is neglectful of, or is incompetent to perform the duties of, his office, or that he is guilty of malfeasance in office, shall issue a citation, in the name of the Commonwealth to the said inspector to appear, on not less than fifteen days' notice, upon a day fixed, before said court; at which time the court shall proceed to inquire into and investigate the allegations of the said petitioner: *Provided, however,* That the citation shall not issue until the petitioners shall file a bond in said court, with sufficient sureties to be approved by the court, conditioned that the petitioners shall pay all costs of the proceedings in case the charges are not sustained.

Negligent in inspectors.

Hearing.

Bond.

Finding.

SEC. 2. If the court finds that the said inspector is neglectful of, or is incompetent to perform the duties of his office, or that he is guilty of malfeasance in office, the court shall certify the same to the governor, who shall declare the office of said inspector vacant, and proceed in compliance with the provisions of this act to fill the vacancy.

Costs.

The costs of said investigation shall, if the charges are sustained, be imposed upon the inspector; but, if the charges are not sustained, they shall be imposed upon the petitioners.

ARTICLE XXII.

SECTION 1. Under this act the bituminous counties of the Commonwealth shall be arranged by the chief of the department of mines into twenty-five inspection districts, and it shall be the duty of the chief of the department of mines to assign the inspectors to their respective districts. He shall also designate their places of abode, at points as convenient as possible to the mines of their districts.

Districts.

SEC. 2. With the consent of the governor, the chief of the department of mines may, at any time, redistrict the bituminous districts and add to the number of inspectors, if in his judgment the number should be increased.

Redistricting, etc.

ARTICLE XXIII.

SECTION 1. On or before the twenty-fifth day of January in each year. the operator or the superintendent of every mine shall send

Reports of operators.

to the inspector of the district a correct report, specifying, with respect to the year ending the thirty-first day of December preceding, the name of the operator and officers of the mine, number of tons of coal mined, number of tons of coke manufactured, number of different employees, classified, and the total number of days worked during the year. The report shall be in such form, and give such information regarding the mine, as may be, from time to time, required and prescribed by the chief of the department of mines.

**Failure to comply.** The operator or the superintendent who fails to comply with the provisions of this article shall be deemed guilty of a misdemeanor.

#### ARTICLE XXIV.

**Boards of examiners for mine foremen, etc.**

**SECTION 1.** On petition of the mine inspector, the court of common pleas in any county in said district shall appoint an examining board of three persons, consisting of a mine inspector, a miner and an operator or superintendent,—which said miner shall have had at least ten years' practical experience, and be in actual practice in mines of this Commonwealth generating explosive gases,—and the members of said examining board shall be citizens of this Commonwealth, and the persons so appointed shall, after being duly organized, take and subscribe, before an officer authorized to administer the same, the following oath, namely:

**Oath of office.**

We, the undersigned, do solemnly swear (or affirm) that we will perform the duties of examiners of applicants for certificates of qualification as mine foremen, assistant mine foremen, and fire bosses; that we will not divulge or make known to any person any question prepared for the examiners, or in any manner assist any applicant to pass the examination, but will be governed by the evidence of the qualifications of the applicants to fill said positions, and not by any consideration of personal favor; and that we will certify all whom we may find qualified in accordance with this act, and none other.

**Assisting applicants.**

Any member of any board of examiners who shall divulge or make known any question prepared for an examination, prior to such question being handed to the applicants at the examination, or in any manner assist any applicant to pass the examination, shall be deemed guilty of a misdemeanor. Any vacancy that may occur in the membership of the board shall be filled by the court of common pleas, in accordance with the provisions of this section.

**Vacancies.**

**Meetings.**

The said board of examiners shall meet, for the purpose of holding examinations, at the call of the mine inspector, and at least two weeks' notice of time and place where the examination will be held shall be given.

**Annual meetings.**

**SEC. 2.** The members of the boards of examiners appointed by the courts of common pleas, with the inspectors in office, shall meet in the city of Pittsburg each year, two weeks before the time set for the examination of applicants, for the purpose of discussing the general scope of the theoretical and practical questions to be given the applicants, and to adopt rules to govern the examinations, and to decide any other important matters pertaining to their duties; and said boards shall select a committee of six of their number, comprising two inspectors, two miners, and two operators, managers, or superintendents, to formulate a code of questions to be used at the next succeeding examinations. The said committee shall select one of their members as chairman and one as secretary. The questions prepared by the said committee shall be printed, under the personal direction of the chairman and the secretary of the committee, and sent by them by express, in sealed packages, each package containing a set of questions for each session, to the chairman of each board of examiners, who shall break the seal and open the package at the commencement of each session in the presence of the other members of the board.

**Questions.**

**Answers.**

After the examinations of applicants are over, and before the several boards meet to examine the papers of the applicants, the

said committee of six shall meet again to prepare answers for the questions propounded, and these answers shall be sent to the chairman of each board, to be used in rating the value of the answers given by the applicants. While preparing answers to the questions the committee is hereby authorized to engage the services of a clerk, who shall be a stenographer, and whose compensation and mileage shall be the same as that of the members of the committee.

SEC. 3. Each member of each board shall receive six dollars a day for each day actually employed, not exceeding twenty days in all, and mileage at the rate of two and one-half cents a mile for each mile necessarily traveled in going from his home to the place of meeting and return, by the shortest practicable railway route: *Provided*, That the mileage shall be paid but once for each continuous session of the board. By a continuous session is meant a session of not less than four days in each week: *Provided further*, That the committee of six shall each receive additional compensation at the rate of six dollars a day for the time spent in preparing the questions and answers. Each member shall also be reimbursed for all other necessary expenses incurred by him in discharge of his duties. Each board of examiners is hereby authorized to employ the services of a clerk, who shall be a stenographer, and whose compensation and rate of mileage shall be the same as that of the members of the board. The clerk of each board shall, on final adjournment, send to the chief of the department of mines properly attested vouchers for compensation and expenses of each member of the board, and also a voucher covering his own compensation and expenses, which vouchers shall be first approved by the chairman and the secretary of the board. The chief of the department of mines shall then approve said vouchers and transmit them to the auditor general, who shall issue a warrant, for their payment, to the State treasurer.

Compensation.

Additional compensation.

Expenses.

Clerks.

Vouchers.

SEC. 4. Applicants must appear before the board of examiners of which the inspector of the inspection district in which they reside is a member. All persons who desire to attend the examination shall notify the chairman of the board of their intention, if possible, not less than six days prior to the day set for the examination. The boards shall inquire into the character and qualifications of applicants who present themselves for examination.

Applicants.

Applicants for certificates of qualification as mine foremen and assistant mine foremen shall be citizens of the United States, of good moral character and of known temperate habits, at least twenty-three years of age, and shall have had at least five years' practical experience, after sixteen years of age, as miners or mining engineers, or men of general work inside of the mines of Pennsylvania. Applicants for certificates of qualification as fire bosses shall be citizens of the United States, of good moral character and of known temperate habits, at least twenty-three years of age, and shall have had at least five years' practical experience, after sixteen years of age, as miners or men of general work, and shall have had experience in mines in Pennsylvania that generate explosive gas.

Qualifications.  
Mine foremen, etc.

Fire bosses.

All applicants shall be able to read and write the English language intelligently, and shall furnish the board with certificates as to their character and temperate habits, which certificates shall also show the length of service in the different mines.

Certificates of character, etc.

Certificates of qualification as mine foremen shall be of two grades, namely: Certificates of first grade shall be granted to persons who have given to the board of examiners satisfactory evidence of their ability to perform the duties of mine foremen in gaseous mines, and who shall have received an average of at least eighty per centum in the examination. Certificates of second grade shall be granted to persons who have given to the board of examiners satisfactory evidence of their ability to perform the duties of mine foremen in nongaseous mines, and who shall have received an average of at least eighty per centum in the examination.

Mine foremen.  
Certificates—  
First grade.

Second grade.

- Assistant mine foremen.** Certificates of qualification as assistant mine foremen shall be granted to persons who have given to the board of examiners satisfactory evidence of their ability to perform the duties of assistant mine foremen in gaseous mines, and who shall have received an average of at least seventy per centum in the examination.
- Oral examination.** All applicants for certificates as mine foremen and assistant mine foremen in gaseous mines must also undergo an oral examination in the presence of explosive gas.
- Certificates of fire bosses.** Certificates of qualification as fire bosses shall be granted to persons who have given to the board of examiners satisfactory evidence of their ability to perform the duties of fire bosses in gaseous mines, and who shall have received an average of at least sixty-five per centum in the examination, and shall also have undergone an oral examination in the presence of explosive gas.
- Fees.** SEC. 5. Before examination each applicant for a certificate of qualification as mine foreman, assistant mine foreman, or fire boss shall pay to the board of examiners the sum of one dollar, and, if successful, two dollars additional for a certificate. All money received by the boards of examiners for examination fees and certificates shall be transmitted to the chief of the department of mines, who shall pay the same into the State treasury, less the cost of issuing and recording certificates.
- Issuing certificates.** SEC. 6. Each board of examiners, or at least two members thereof, shall certify to the chief of the department of mines, on forms furnished by him, every person whose examination shall disclose his fitness for the duties of mine foreman, assistant mine foreman, or fire boss, as above classified; and the chief of the department of mines shall then prepare certificates of qualification for the successful applicants and send them to the chairman of the board for distribution. Each certificate shall contain the full name, age, and place of birth of applicant, and also the length and nature of his previous service in or about the mines. The certificates shall be in manner and form as prescribed by the chief of the department of mines.
- Papers to be filed.** SEC. 7. Each board of examiners shall send to the chief of the department of mines the answers and all other papers of the applicants, together with the tally sheets, and a list of the questions and answers as prepared by the committee selected by the boards, which shall be filed in the department of mines as public documents.
- Certificates of service.** SEC. 8. Certificates of service, that shall have the same effect for the purposes of this act as certificates of qualification, shall be granted by the chief of the department of mines, on the reports of the boards of examiners, to all persons who are acting as assistant mine foremen in gaseous mines when this act becomes effective. Certificates of service shall be in manner and form as prescribed by the chief of the department of mines, and shall contain the full name, age, and place of birth of applicant, and also the length and nature of his previous service in or about the mines. Applicants for certificates of service shall pay to the board the sum of two dollars, which shall be transmitted to the chief of the department of mines.
- Fees.**
- Employment without certificate.** SEC. 9. It shall be unlawful for any operator, manager, or superintendent to employ as mine foreman in any mine, or as assistant mine foreman in any gaseous mine, any person who has not obtained the proper certificate of qualification or service required by this act: *Provided*, That all persons holding certificates of qualification as mine foremen, granted under the provisions of the act of May fifteen, one thousand eight hundred and ninety-three, may continue to serve: *And provided further*, That any person acting as mine foreman by virtue of holding a certificate of service granted previous to the passage of the act of May fifteen, one thousand eight hundred and ninety-three, may continue to serve at any mine where the general conditions affecting the health and safety of the persons employed do not
- Holders of old certificates.**

differ materially from those at the mine in which he was employed when said certificate was granted, which question shall be decided by the inspector of the district; and it shall be unlawful for any operator, manager, superintendent, or mine foreman to employ as fire boss any person who has not obtained the proper certificate of qualification required by this act: *Provided*, That all persons holding certificates of qualification as fire bosses, granted under the provisions of the act of May fifteen, one thousand eight hundred and ninety-three, may continue to serve.

SEC. 10. If any person shall forge or counterfeit a certificate or knowingly make or cause to be made any false statement in any certificate issued under this act or any previous act, or in any copy thereof, or shall make use of such forged or false certificate, or copy thereof, or shall make use of any false declaration, representation, or statement in any such certificate, or copy thereof, or any document containing the same, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred dollars nor more than five hundred dollars, or imprisoned for a term not exceeding one year, or both, at the discretion of the court

Forgery.  
False statement.

Penalty.

SEC. 11. In case of the loss or destruction of a certificate, the chief of the department of mines shall issue a copy thereof to the person losing said certificate, on payment of the sum of one dollar: *Provided*, That it shall be shown to the satisfaction of the chief of the department of mines that the loss or destruction has actually occurred.

Loss of certificate.

Proviso.

SEC. 12. Nothing in this article shall prevent a first grade mine foreman from acting as assistant mine foreman in any mine, or a second grade mine foreman from acting as assistant mine foreman in a nongaseous mine.

Eligibility.

ARTICLE XXV.

SPECIAL RULES.

*Rule one.*—The miner shall examine his working place before beginning work, and take down all dangerous slate, or otherwise make it safe by properly timbering it, before commencing to mine or load coal. He shall examine his place to see whether the fire boss has left the date marks indicating his examination thereof, and if said marks cannot be found it shall be the duty of the miner to notify the mine foreman or the assistant mine foreman of the fact. The miner shall at all times be careful to keep his working place in a safe condition during working hours.

Duties of miners.

Should he at any time find his place becoming dangerous from gas or roof or from any unusual condition that may arise, he shall at once cease working and inform the mine foreman or the assistant mine foreman of said danger, but before leaving his place he shall put some plain warning across the entrance thereto to warn others against entering into danger.

Danger.

It shall be the duty of the miner to mine his coal properly before blasting, and to set sprags under the coal while undermining, to secure it from falling. After each blast he shall exercise care in examining the roof and coal, and shall secure them safely before beginning to work.

Blasting.

He shall order all props, cap pieces, and all other timbers necessary, at least one day in advance of needing them, as provided for in the rules of the mine. If he fails to receive said timbers, and finds his place unsafe, he shall vacate it until the necessary timbers are supplied.

Ordering props, etc.

Under no condition shall the miner use coal dust or any other combustible material for tamping in any gaseous mine.

Use of coal dust, etc., for tamping.  
Explosive gas.

When places are liable to generate sudden outbursts of explosive gas, no miner shall be allowed to charge or fire shots, except under the supervision and with the consent of the mine foreman or the assistant mine foreman, or some other competent person designated by the mine foreman for that purpose.

**Remaining in working place.** The miner shall remain during working hours in the working place assigned to him by the mine foreman or the assistant mine foreman, and he shall not leave his working place for another working place without the permission of the mine foreman, assistant mine foreman, or fire boss, and he shall not wander about the hauling roads or enter abandoned or idle workings.

**Drivers.**

*Rule two.*—When a driver has occasion to leave his trip he must be careful to see that it is left, when possible, in a safe place, secure from cars or other dangers, and where it will not endanger the drivers of other trips or other persons.

He must take care while taking his trip down grade to have the brakes or sprags so adjusted that he can keep the cars under control, and prevent them from running over himself or others.

He shall not leave any cars standing where they may materially obstruct the ventilating current, except in case of accident, which he shall promptly report to the mine foreman or assistant mine foreman.

He shall not allow any person to ride on loaded mine cars. He shall not allow any person to drive his horses or mules in his stead. When it is his duty to open a door for the purpose of passing his trip through, he shall see that the door is immediately closed thereafter.

**Trip riders.**

*Rule three.*—The trip rider shall exercise care in seeing that all hitchings are safe for use, and that all the trip is coupled before starting, and should he at any time see any material defect in the rope, link, or chain he shall immediately remedy said defect, or, if he is unable to do so, he shall detain the trip and report the matter to the mine foreman or assistant mine foreman. He shall not allow any person to ride on the full trip. He shall not allow any person to ride on the empty trip, except by the authority of the mine foreman, and the speed shall not exceed six miles an hour.

**Hoisting engineers.**

*Rule four.*—It shall be the duty of the engineer, who shall be a sober, competent person, over twenty-one years of age, to keep a careful watch over his engine and all machinery under his charge, and to see that the steam pressure does not exceed at any time the limit allowed by the superintendent. He shall make himself acquainted with the signal codes provided for in this act.

He shall not allow any unauthorized person to enter the engine house, nor shall he allow any person to handle or run the engine without the permission of the superintendent.

When workmen are being lowered or raised, he shall take special precautions to keep the engine well under control.

**Motormen and locomotive engineers.**

*Rule five.*—The motorman or locomotive engineer shall keep a sharp lookout ahead, and sound the whistle or alarm bell frequently when coming near the parting switches or landings, and shall not exceed the speed allowed by the mine foreman. He shall see that the motors, cables, and controlling parts are kept clean and in a safe operating condition, and that the headlight is burning properly when the locomotive is in motion. He shall not allow any person except his attendant to ride on the locomotive or on the full cars.

**Firemen.**

*Rule six.*—Every fireman in charge of a boiler or boilers for the generation of steam shall keep a careful watch over the same. He shall see that the steam pressure does not at any time exceed the limit allowed by the superintendent; he shall frequently try the safety valve, and shall not increase the weight on the same; he shall maintain a proper depth of water in each boiler, and if anything should happen to prevent this he shall report it without delay to the superintendent, or other person designated by the superintendent, and take such other action as may under the circumstances be necessary for the protection of life and the preservation of property.

**Fan engineers.**

*Rule seven.*—The engineer in charge of the ventilating fan at a mine shall keep it running at such speed as the mine foreman shall direct in writing. He shall report promptly to the mine

foreman or assistant mine foreman any defect in the pressure gauge; and, in case of accident to the boiler or fan machinery, he shall immediately notify the mine foreman or the assistant mine foreman. If only ordinary repairs of the fan or machinery become necessary, he shall await the instructions of the mine foreman or assistant mine foreman before stopping the fan. Should it become impossible to run the fan, or become necessary to stop it to prevent its destruction, he shall notify at once the superintendent or mine foreman, who shall give immediate warning to the persons in the mine.

*Rule eight.*—The furnace man shall be over eighteen years of age, and shall attend to his duties with regularity, and in case it is necessary for him to be off duty, for any reason whatever, he shall give timely notice to the mine foreman.

The furnace man shall at all times keep a clear, brisk fire, and the fire must not be smothered with coal or slack during working hours, and he shall not allow ashes to accumulate excessively on or under the bars or in the approaches to the furnace, and ashes shall be cooled before being removed.

*Rule nine.*—The hooker-on at the bottom of any slope shall be over eighteen years of age; and shall be very careful to see that the cars are properly coupled to a rope or chain, and that the safety catch or other device is properly attached to the rear car, before giving the signal to the engineer. He shall not allow any person to ride up the slope on the full trips, other than the trip rider.

*Rule ten.*—The cager at the bottom of any shaft shall be over eighteen years of age. He shall not attempt to withdraw the car until the cage comes to a rest; and, when putting the full car on the cage, he must be very careful to see that the springs or catches are properly adjusted so as to keep the car in its proper place, before giving the signal to the engineer.

*Rule eleven.*—At every shaft or slope where persons are lowered into or hoisted from the mine, a footman (who shall be over twenty-one years of age), shall be designated by the mine foreman. He shall be at his proper place from the time that persons begin to descend until all persons who may be at the bottom of said shaft or slope, when quitting work at the end of the day, shall be hoisted. The footman shall personally attend to the signals, and see that the provisions of this act in respect to hoisting persons in shafts or slopes are complied with.

The footman shall not allow any tools to be placed on the same cage with men or boys, or on either cage when they are being hoisted out of the mine, except for the purpose of repairing the shaft or machinery therein. The men shall place their tools in cars provided for that purpose, which cars shall be hoisted before or after the men have been hoisted. He shall see that no driver or other person ascends the shaft with any horse or mule, unless the said horse or mule, is secured in a suitable box or safely penned, and only the driver in charge of said horse or mule shall accompany it in any case. The footman shall immediately inform the mine foreman of any violation of this rule or of general rule fifteen.

*Rule twelve.*—At every shaft or slope where persons are lowered into or hoisted from the mine, a topman or trip rider (who shall be over twenty-one years of age), shall be designated by the superintendent or mine foreman. He shall be at his proper place from the time that persons begin to descend until all the persons who may be at the bottom of the shaft or slope, when quitting work at the end of the day, shall be hoisted. The topman or trip rider shall personally attend to the signals, and see that the provisions of this act in respect to lowering persons in shafts or slope are complied with.

The topman shall not allow any tools to be placed on the same cage with men or boys, or on either cage when persons are being lowered into the mine, except for the purpose of repairing the

Furnace men.

Hookers-on.

Cagers.

Footmen.

Topmen.

shaft or the machinery therein. The men shall place their tools in cars provided for that purpose, which cars shall be lowered before or after the men have been lowered.

He shall also see that no driver or other person descends the shaft with any horse or mule, unless the said horse or mule is secured in a suitable box or safely penned, and only the driver in charge of said horse or mule shall accompany it in any case.

The topman of a slope or incline plane shall be careful to close the safety block or other device as soon as the cars have reached the landing, in order to prevent any loose or runaway cars from descending the slope or incline plane, and in no case shall said safety block or other device be withdrawn until the cars are coupled to the rope or chain and the proper signal given. He shall carefully inspect each day all the machinery in and about the check house and the rope used for lowering the coal, and shall promptly report to the superintendent any defect discovered, and shall use care in attaching securely the cars to the rope and in lowering them down the incline. He shall ring the alarm bell in case of accident, and when necessary immediately set free to act the drop logs or safety switch.

The topman of a shaft shall see that the springs or keeps for the cage to rest upon are kept in good working order, and when taking the full car off he must be careful that no coal or other material is allowed to fall down the shaft.

It shall be the duty of the topman to report to the superintendent any violation of general rule fifteen of this article.

#### GENERAL RULES.

- Entering mines.** *Rule one.*—No authorized person shall enter the mine without permission from the superintendent.
- Intoxicated persons.** *Rule two.*—No person in a state of intoxication shall be allowed to go into or loiter about the mine.
- Blasters.** *Rule three.*—No person shall be employed to blast coal, rock, or slate unless the mine foreman is satisfied that he is qualified by experience to perform the work with ordinary care.
- Mining pillars.** *Rule four.*—No inexperienced person shall be employed to mine out pillars unless in company with one or more experienced miners.
- Examining working place.** *Rule five.*—Every workman employed in the mine shall examine his working place before commencing work, and after any stoppage of work during the shift he shall repeat such examination.
- Rules.** *Rule six.*—Every workman, when first employed, shall have his attention directed by the mine foreman or his assistant to the general and special rules contained in this act. Said rules shall be posted at a conspicuous place at or near the main entrance to the mine, and shall be printed in the various languages of the employees.
- Unsafe conditions.** *Rule seven.*—All employees shall notify the mine foreman or the assistant mine foreman of the unsafe condition of any working place, hauling roads, or traveling ways, or of damage to doors, brattices or stoppings, or of obstructions in the air passages, when said conditions are known to them.
- Travel on foot.** *Rule eight.*—No person shall be allowed to travel on foot to and from his work on any hoisting slope, incline plane, dilly or locomotive road, unless no other roads are provided for that purpose.
- Riding on loaded car;** *Rule nine.*—No person shall ride upon or against any loaded car or cage in any shaft or slope in any mine. No person, other than the trip rider, shall be permitted to ride on empty trips on any slope, incline plane, or dilly road, except as provided for in other sections of this act.
- On empty cars;**
- On full cars.** *Rule ten.*—No person, other than the driver or trip rider, shall be allowed to ride on the full cars.
- Defacing notices, etc.** *Rule eleven.*—Any person who shall deface, pull down or destroy and notice board, danger signal, general or special rules,

record books, or mining laws, shall be prosecuted by the superintendent, on notice given by the mine foreman or obtained from other sources, as provided for in section two of article twenty-six of this act.

*Rule twelve.*—All persons are forbidden to meddle or tamper in any way with any electric or signal wires, or any other equipment in or about the mine. Tampering with equipment.

*Rule thirteen.*—No powder or high-explosive shall be taken into the mine at one time, by any one person, in greater quantities than is required for use in one shift, and the quantity shall never exceed five pounds, except as provided for in article sixteen, section one. All powder shall be carried into the mine in metallic cans or canisters, or in receptacles of equally safe material. Amount of powder, etc.

*Rule fourteen.*—No explosive shall be stored in any tippie or weighing office, and no naked lights shall be used while the attendant is weighing and giving out explosives. Storage, etc.

*Rule fifteen.*—No greater number of persons shall be lowered or hoisted at any one time, in any shaft or slope, than is permitted by the inspector, and whenever the said number of persons returning from work shall arrive at the bottom of the shaft or slope, in which persons are regularly hoisted or lowered, they shall be promptly furnished with an empty cage or car and be hoisted to the surface, and in cases of emergency a less number than the permitted number shall be promptly hoisted. Number of persons to be hoisted.

Any person crowding or pushing to get on or off the cage or car, thereby endangering life, shall be deemed guilty of a misdemeanor, and the superintendent shall discharge or prosecute him in accordance with section two of article twenty-six of this act, when the matter is reported to him by the topman or footman. Crowding.

*Rule sixteen.*—No safety lamp shall be entrusted to any person, for use in a mine, until said person has given satisfactory evidence to the mine foreman that he understands the proper use thereof and the danger of tampering with the same. Use of safety lamps.

*Rule seventeen.*—No one except a person duly authorized by the mine foreman shall have in his possession a key or other instrument for the purpose of unlocking any safety lamp, in any mine where locked safety lamps are used. Other persons than those duly authorized by the mine foreman having keys or other instruments for the opening of safety lamps shall be prosecuted by the superintendent, in accordance with section two of article twenty-six of this act. Keys.

*Rule eighteen.*—In the cutting of clay veins, spars, or faults, entries or other narrow workings, going into the solid coal, in mines wherein explosive gas is generated in dangerous quantities, a bore hole shall be kept not less than three feet in advance of the face of the work, or three feet in advance of any shot hole drilled for a blast to be fired in. Bore holes.

*Rule nineteen.*—An accumulation of gas in a mine shall not be removed by brushing, or when persons in the mine may be endangered thereby. Brushing gas.

*Rule twenty.*—When gas is ignited by a blast, or otherwise, the person having charge of the place where the said gas is ignited, shall immediately extinguish it, if possible, and if unable to do so he shall immediately notify the mine foreman or the assistant mine foreman of the fact. Miners must see that no gas blowers are left burning upon leaving their working places. It shall be the duty of the superintendent to notify the inspector of any violation of this rule, and the inspector shall then prosecute as provided for in section two of article twenty-six of this act. Ignited gas.

*Rule twenty-one.*—When a miner or shot firer is about to fire a blast he shall be careful to notify all persons who may be endangered thereby, and shall give sufficient alarm so that any person approaching may be warned of the danger. Notice of blast.

*Rule twenty-two.*—Whenever a miner or shot firer shall open a box containing powder or other explosives, or while in any manner handling the same, he shall first place his lamp not less than five Opening box of explosives.

feet from such explosive and in such a position that the air current cannot convey sparks to the explosive, and he shall not smoke while handling explosives.

- Tamping bar.** *Rule twenty-three.*—In charging and tamping a hole for blasting no person shall use any iron or steel needle. The charger or tamping bar shall be of wood or tipped with copper.
- Forcing charges.** *Rule twenty-four.*—No explosive shall be forcibly pressed into a hole that is of insufficient size, and when a hole has been charged the explosive shall not be taken out, and no hole shall be bored for blasting at a distance of less than twelve inches from any hole when the charge has misfired.
- Tamping material.** *Rule twenty-five.*—In gaseous mines, shot firers or other persons charging holes for blasting shall use incombustible material for tamping. All holes before being fired shall be solidly tamped the full length of the hole. Any person who violates this rule shall be deemed guilty of a misdemeanor.
- Abandoned slopes, etc.** *Rule twenty-six.*—Every abandoned slope, shaft, air hole, or drift shall, when so abandoned, be properly fenced around or across its whole entrance.
- Unauthorized use of ways.** *Rule twenty-seven.*—No person shall go into an old or abandoned portion of any mine, or into any other place that is not in actual course of working, without permission from the mine foreman, and no person shall travel to and from his work except by the traveling way assigned for that purpose. It shall be the duty of the mine foreman to prosecute all persons who violate this rule, in accordance with section two of article twenty-six of this act.
- Injuring airways, etc.** *Rule twenty-eight.*—Workmen and all other persons are expressly forbidden to commit any nuisances, or throw into, deposit or leave coal or dirt, stones or other rubbish, in the airway or road, so as to interfere with, pollute, or hinder the air passing into and through the mine.
- Steam pipes.** *Rule twenty-nine.*—No steam pipes, through which high pressure steam is conveyed for the purpose of driving pumps or other machinery, shall be laid on traveling or haulage ways, unless they are incased in asbestos or some other suitable nonconducting material, or so placed that the radiation of heat into the atmosphere of the mine will be prevented as far as possible.
- Use of steam locomotives.** *Rule thirty.*—When a steam locomotive is used for the purpose of hauling coal out of a mine, the tunnel or tunnels through which the locomotive passes shall be properly ventilated and kept free as far as practicable of noxious gases, and a ventilating apparatus shall be specially provided by the operator to produce such ventilation.
- Signals.** *Rule thirty-one.*—In all shafts and slopes, where persons, coal, and other materials are hoisted by machinery, the following code of signals shall be used:  
 One rap or whistle—to hoist coal.  
 One rap or whistle—to stop car or cage when in motion.  
 Two raps or whistles—to lower car or cage.  
 Three raps or whistles—to hoist persons. The engineer shall signal back when ready, after which the person shall get on the car or cage, and then one rap or whistle shall be given to hoist.  
 Four raps or whistles—to turn on steam to the pumps.
- Carrying matches, etc.** *Rule thirty-two.*—No person shall carry any matches, pipes, or other smokers' articles into a mine, or portion of a mine, worked exclusively with locked safety lamps, nor shall he have any of said articles in his possession while in such a mine.
- Medical treatment.** *Rule thirty-three.*—If any person shall receive any injury in or about the mine, and the same shall come within the knowledge of the mine foreman, and if he shall be of the opinion that the injured person requires medical or surgical treatment, he shall see that said injured person receives treatment, and in case of inability of such person to pay therefor the expense shall be borne by the county.

*Rule thirty-four.*—The special and general rules in the various languages, and all books, blank forms, and notices mentioned in this act, shall be printed at the expense of the State, and shall be furnished to the operators by the department of mines, through the inspectors, and all record books shall at all times be accessible to the inspector. Rules, forms, etc.

*Rule thirty-five.*—Every person who contravenes or does not comply with any of the special and general rules in this act shall be deemed guilty of a misdemeanor. Violations.

ARTICLE XXVI.

SECTION 1. Any person who shall intentionally or carelessly injure any safety lamp, instrument, air course or brattice, or without proper authority handle, remove or render useless any fencing, means of signalling, apparatus, instrument or machinery, or shall obstruct or throw open airways, or enter a place in or about a mine against caution, or carry fire, open lights, matches, pipes and other smokers' articles beyond any station inside of which locked safety lamps are used, or open a door in the mine and not close it immediately, or open any door the opening of which is forbidden, or disobey any order given in carrying out the provisions of this act, or do any other act whatsoever, whereby the lives or the health of the persons employed, or the security of the mine or the machinery, are endangered, shall be deemed guilty of a misdemeanor, and shall be punished as provided in section two of this article. Injuring apparatus, etc.

SEC. 2. Any person who neglects or refuses to perform the duties required of him by this act, or who violates any of the provisions or requirements thereof, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, in the court of quarter sessions of the county in which the misdemeanor was committed, be punished by a fine not exceeding two hundred dollars, or imprisonment in the county jail for a period not exceeding three months, or both, at the discretion of the court. Any violation of this act which has been declared to be a misdemeanor by any part thereof shall be punished in like manner. Neglect of duties.

ARTICLE XXVII.

SECTION 1. Whenever a fatal accident occurs in or about any mine, or whenever an explosion or other serious accident of an unusual nature occurs, whether fatal or not, it shall be the duty of the mine foreman or superintendent in charge of such mine to give notice thereof forthwith, by telephone or telegraph, to the inspector, and also to the coroner of the county, if any person is killed. Accidents.  
Deaths.

SEC. 2. If the coroner shall determine to hold an inquest he shall notify the inspector of the time and place of holding the same, and the inspector shall offer such testimony as he may deem necessary to thoroughly inform the said inquest of the cause of the death. He shall also have authority at any time to appear before such coroner or jury and examine or cross-examine any witness. No person who is directly or indirectly interested or employed in any capacity by the person, persons or company owning or operating such mine, or employed in or about any other mine in which such owners or operators may be interested, shall be competent to serve upon such coroner's jury. Coroner's jury.  
Eligibility of jurors.

SEC. 3. It shall be the duty of the inspector, upon being notified of any fatal accident as hereinbefore provided, to proceed in person as soon as practicable to the scene of the accident, and make such suggestions or give such directions as may appear to him necessary to secure the safety of any person who may still be endangered through said accident. Whether or not the results of the accident require an investigation by the coroner, the said inspector shall proceed to investigate and ascertain the cause of Duty of inspector.  
Investigation.

the accident, and make a record thereof, which he shall file as provided for; and to enable him to make the investigation he shall have power to compel the attendance of persons to testify, and also to administer oaths or affirmations. If it is found, upon investigation, that the accident is due to the violation of any of the provisions of this act by any person other than those who may be deceased, the inspector shall institute proceedings against such person or persons as provided for in section two of article twenty-six of this act.

**Costs.** Sec. 4. The cost of such investigation shall be paid by the county in which the accident occurred, in the same manner as costs of inquests held by coroners or justices of the peace are paid.

ARTICLE XXVIII.

**Change in mine to non-gaseous.** SECTION 1. Should a mine, or a portion of a mine, that has at any time generated explosive gas in quantities sufficient to be detected by an approved safety lamp, after the passage of this act not so generate explosive gas during any one period of one year, then such mine, or portion of a mine, shall not be governed or controlled by the provisions of this act for mines or portions of mines generating explosive gas.

**Application of act.** Sec. 2. The provisions of this act as to mines, or portions of a mine, generating explosive gas in quantities sufficient to be detected by an approved safety lamp, shall not apply to any mine wherein explosive gas is being generated only in live entries.

**Exempt mines.** Sec. 3. The provisions of this act shall not apply to any mine employing less than ten persons inside the mine, in any one period of twenty-four hours.

Approved the 9th day of June, A. D. 1911.

*Employment of children—General provisions.*

(Page 832.)

**Tanneries.** [This act amends section 2 of act No. 182, Acts of 1909, by eliminating tanneries from the list of establishments in which minors under 18 years of age may not be employed.]

Approved June 9, 1911.

*Private employment offices.*

(Page 881.)

[This act amends sections 3, 8, and 14, of act No. 90, Acts of 1907.

**Whose affidavits accepted.** Section 3 is amended by requiring the affidavits on applications for licenses to be freeholders of the city, and not necessarily of the ward in which the agency is to be established, as required by the original act.

**Fees.** Section 8 is amended by making the fee of applicants for help or employment "valid for a period not to exceed one month," instead of stating that it shall be "given for a period of one month." The provision of the original act that failure of an applicant for help to notify the agency in case help has been obtained through other channels forfeits the fee to the agency, is stricken out. There is also stricken out the provision allowing the retention of two dollars and fifty cents from the fee where an honest but unsuccessful attempt has been made to secure help or employment for the applicant. This provision applied only to agencies exclusively engaged in procuring executive, civil engineering, clerical, or sales positions, for men only, other agencies being allowed to retain but fifty cents in like circumstances. The elimination of this provision leaves all agencies on a par in this respect. Other amendments to this section give a deputy or inspector of the director of public safety the same authority as he has in enforcing the law.

Section 14 is amended by striking out the provision that exempts from the operation of the act "bureaus conducted by recognized medical institutions," and "agencies exclusively engaged in procuring executive, technical, clerical, or sales positions for men only." ] Exemptions  
withdrawn.

Approved the 13th day of June, 1911.

*Commission on industrial accidents.*

(Page 917.)

SECTION 1. The governor is hereby authorized to appoint a commission of seven persons,—two of whom shall be employers of labor, two of whom shall be employees in either the mines or industrial establishments of this Commonwealth, or duly accredited representatives thereof, two of whom shall be learned in the law, and one of whom shall be a person of skill and experience in making investigations,—to inquire into the causes and results of industrial accidents in the mines, mills, factories, stores, and upon the railroads, street railways, ships, wharves, and in all industrial establishments, of whatsoever kind or nature, in this Commonwealth; to study the most advanced methods for safeguarding against these accidents; and to inquire into the subject of fair compensation for those who are injured in these accidents, and for the families of those who shall be killed as a result thereof. Commission  
authorized.  
  
Duties.

Sec. 2. The chairman of said commission shall be designated by the governor, and the person named on said commission as a skilled and experienced investigator shall be the secretary of the commission. The commission shall have power to employ such legal counsel and other officers and employees as it may deem necessary to properly perform its duties. Officers.

Sec. 3. The secretary of said commission shall receive an annual salary of four thousand eight hundred dollars (\$4,800), and his actual necessary expenses; and the other members of the commission shall receive no compensation for their services, but shall be allowed their actual traveling and other necessary expenses. The salaries of any other persons employed by the commission shall be fixed by it. Compensa-  
tion.

Sec. 4. Said commission shall make a full report in writing of its findings, together with such recommendations as it may deem proper, to the next meeting of the general assembly, which will convene in January, one thousand nine hundred and thirteen. Report.

Approved the 14th day of June, 1911.

*Commission on anthracite mining laws.*

(Page 920.)

SECTION 1. The governor of the Commonwealth be and he is hereby authorized to appoint a commission to revise and codify the present anthracite mining laws of Pennsylvania; said commission to be composed of nine members, three of whom shall be selected from among the operators, managers, and superintendents of the anthracite region, three from among the mine workers of the anthracite region, one shall be a member of the senate of the session of one thousand nine hundred and eleven, one shall be a member of the house of representatives of the session of one thousand nine hundred and eleven, and one shall be a person versed in the art of mining and who has no pecuniary interest in the operation of any coal mine in Pennsylvania. Commission  
authorized.

Sec. 2. The chairman of said commission shall be designated by the governor. The commission shall have power to employ such legal counsel and other officers and employees as it may deem necessary to properly perform its duties. The members of the commission shall receive no compensation for their services, but shall be allowed their actual traveling and other necessary ex- Powers.

penses while in attendance upon their duties as authorized by this act. The salary of any other person employed by the commission shall be fixed by it.

Duties.

Sec. 3. The said commission shall hold its meetings in Wilkes-Barre, where all persons who are interested in the revision and codification of the said anthracite mining laws may appear and give expression to their views. The said commission shall have the right to call into consultation any persons who, in its opinion, may be able to give information that will assist in the work of revision. Said commission shall make a full report in writing of its deliberations, together with such recommendations as it may deem proper, to the next general assembly, which shall convene in January, one thousand nine hundred and thirteen.

Report.

Approved the 14th day of June, 1911.

*Mine regulations—Construction of inside buildings.*

(Page 979.)

Fireproof buildings.

SECTION 1. Within six months after the approval of this act, all buildings inside of any coal mine in Pennsylvania, including engine houses, pump houses, stables, et cetera, shall be constructed of incombustible material, approved in writing by the chief of the department of mines: *Provided, however,* That the time may be extended by the chief of the department of mines, for a period not exceeding six months, upon sufficient cause shown by any person, firm, or corporation, of inability to comply with the provisions of section one as to the time therein specified.

Violations.

Sec. 2. Any company failing to comply with section one of this act shall be subject to a penalty of five hundred dollars, to be recoverable by the Commonwealth as debts of like amount are now by law recoverable. Any superintendent of a coal mine failing to comply with section one of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of one hundred dollars, or undergo imprisonment in the county jail for a period of ten days, or both, at the discretion of the court.

Approved the 15th day of June, 1911.

*Employment of children at mines.*

(Page 983.)

SECTION 1. Section one of an act, \* \* \* [No. 210, Acts of 1909] shall be amended to read as follows:

Age limit.

Section 1. From and after the passage of this act, no minor under the age of fourteen years shall be employed, permitted or suffered to work in, about, or for any coal breaker or washery, or in or about the outside workings of any coal mine.

Sec. 2. Section three of said act, \* \* \* shall be amended to read as follows:

Work inside mines.

Sec. 3. No minor under the age of sixteen years shall be employed, permitted or suffered to work, inside any coal mine, and no minor under the age of sixteen years shall be employed in or about or for any establishment or industry named in section one of this act, unless the employer of said minor procures and keeps on file, and accessible to the mine inspector, the employment certificate as hereinafter provided, issued to said minor, and keeps two

Lists.

complete lists of all minors under the age of sixteen years employed in or for his or her establishment; one of said lists to be kept on file in the office of the employer, and one to be conspicuously posted in each of the several departments in or for which minors are employed. Said employment certificate, when issued, shall be the property of the minor named therein, who shall be entitled to a surrender of said certificate to him or her by the employer whenever said minor shall leave the service of

any employer holding said certificate. In case a minor, who is employed or permitted to work in or about or for any establishment or industry named in section one of this act, as being sixteen years of age or over, appears to the chief of the department of mines or any mine inspector to be under the age of sixteen years, said chief of the department of mines or mine inspector shall make written demand that the employer of said minor shall procure and keep on file in the office of such establishment, subject to inspection, the same evidence that said minor is in fact sixteen years of age or over as is required as evidence of age for the issuance of the employment certificates hereinafter provided for; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of said minor. In case the evidence of age, for which demand is so made, be not filed as hereinbefore required, within thirty days after said demand, the employer shall cease to employ the minor named in said demand or to permit said minor to work: *Provided, however,* That said employer, by thus ceasing to employ or permit said minor to work, shall not be relieved from any of the penalties provided in this act for the employment of a minor under the age of sixteen years without the filing for such minor of the employment certificate hereinbefore required.

Minor apparently under sixteen.

Sec. 3. Section five of said act \* \* \* shall be amended to read as follows:

Sec. 5. The employment certificate provided by this act for the use of a minor between fourteen and sixteen years of age shall be in the following form:

This certifies that (name and residence of minor) is aged---- years ---- months ---- days; whose complexion is -----, hair is ----- and eyes are -----; is able to read and write the English language intelligently, and may be employed at labor in any coal-breaker, washery or other outside workings of a coal mine.

Form of certificate.

This certificate is a legal warrant for the employment of the minor hereon, in any of the above-named establishments and industries, under the provisions of an act approved ----- one thousand nine hundred and nine, as amended by an act approved ----- one thousand nine hundred and eleven.

(Signature of person who issued certificate, official title and official address.)

(Signature of minor to whom issued.)-----

(Date.)

Approved the 15th day of June, 1911.

*Railroads—Crews for trains.*

(Page 1053.)

SECTION 1. It shall be unlawful for any railroad company, its officers or agents, officers of the court, receiver, or any person or persons doing business in this Commonwealth, to run or operate over its road, or any part of its road, or permit to be run or operated over its road or any part of its road, any freight train consisting of more than thirty (30) freight or other cars, exclusive of caboose and locomotive, with a train crew consisting of less than six (6) persons, to wit, one engineman, one fireman, one conductor, one flagman, and two brakemen.

Crew for freight trains.

Thirty or more cars.

Sec. 2. It shall be unlawful for any railroad company, its officers or agents, officers of the court, receiver, or any person or persons doing business in this Commonwealth, to run or operate over its road, or any part of its road, or permit to run or operate over its road or any part of its road, any freight train consisting of less than thirty (30) freight or other cars, exclusive of caboose and locomotive, with a train crew consisting of less than five (5) persons, to wit, one engineman, one fireman, one conductor, one flagman, and one brakeman.

Less than thirty cars.

Passenger trains of not more than three cars.

SEC. 3. It shall be unlawful for any railroad company, its officers or agents, officers of the court, receiver, or any person or persons doing business in this Commonwealth, to run or operate over its road, or any part of its road, or permit to be run or operated over its road or any part of its road, any train carrying passengers, consisting of not more than three (3) passenger coaches and one baggage car, with a train crew consisting of not less than five (5) persons, to wit, one engineman, one fireman, one conductor, one baggageman, and one flagman. This not to include the train porters or Pullman employees.

Statute construed.

SEC. 4. Nothing in this act shall be so construed as to make it apply to any train carrying passengers, consisting of three or less cars: *Provided*, That nothing in this act shall be so construed to prevent the increasing of the number of men upon trains as set forth herein.

Passenger trains of four or more cars;

SEC. 5. It shall be unlawful for any railroad company, its officers or agents, officers of the court, receiver, or any person or persons doing business in this Commonwealth, to run or operate over its road, or any part of its road, or permit to be run or operated over its road or any part of its road, any train carrying passengers, consisting of four (4) or more passenger coaches and one baggage car, with a crew of less than six (6) men, to wit, one engineman, one fireman, one conductor, one baggageman, one brakeman, one flagman; this not to include the train porters or Pullman employees.

Without baggage car.

SEC. 6. It shall be unlawful for any railroad company, its officers or agents, officers of the court, receiver, or any person or persons doing business in this Commonwealth, to run or operate over its road, or any part of its road, or permit to be run or operated over its road or any part of its road, any train consisting of four or more passenger, express, or mail cars, with a crew consisting of less than five (5) men, to wit, one engineman, one fireman, one conductor, one brakeman, one flagman; this not to include the train porters or Pullman employees.

Rear car.

SEC. 7. It shall be unlawful for any railroad company, its officers or agents, officers of the court, receiver, or any person or persons doing business in this Commonwealth, to run or operate over its road, or part of its road, or permit to be run or operated over its road or any part of its road, any train consisting of United States mail or express cars, without the rear end of the rear car so equipped, with exit free from obstruction, platform of thirty inches in width, guard rails and steps, also heating appliances to maintain a temperature of sixty-five degrees.

Violations.

SEC. 8. Any railroad company, its officers or agents, officers of the court, receiver, or any person or persons operating a railroad, violating any of the provisions of this act, shall be guilty of a misdemeanor, and liable to a penalty of one hundred (\$100) dollars for each and every such violation, to be recovered with costs as debts are now by law recoverable, by a suit in the name of the Commonwealth, for the use of the county in which such violation takes place: *Provided, however*, That nothing in this act shall apply or relate to trains owned or operated by manufacturers, made up of hot metal ladles, ingots, slag, or table trucks.

Approved the 19th day of June, 1911.

RESOLUTIONS.

JOINT RESOLUTION No. 4.—*Regulation of the employment of labor on public work—Amendment to constitution.*

(Page 1163.)

Employment of labor on public work.

SECTION 2. Amend section seven, article three of the constitution of Pennsylvania, \* \* \* so as to read as follows:  
Section 7. The general assembly shall not pass any local or special law \* \* \* regulating labor, trade, mining or manufactur-

ing; but the legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the State, or by any county, city, borough, town, township, school district, village, or other civil division of the State, or by any contractor or subcontractor performing work, labor or services for the State, or for any county, city, borough, town, township, school district[,] village, or other civil division thereof: \* \* \*

## ACTS OF 1887.

*Miners' hospitals.*

[This act does not appear in the compilation of Pennsylvania statutes used by the Bureau (Brightly's Purdon's Digest, 12th ed.), but is amended by an act, page 837, Acts of 1911, and as amended is here reproduced as valid, existing law.]

SECTION 1. The governor of this Commonwealth shall, as soon as practicable after the passage of this act, appoint six commissioners, one of said commissioners to be appointed from each of the six existing inspection districts of the bituminous and semibituminous coal regions of the State, whose duty it shall be to select sites and erect hospitals thereon for injured persons, to be located at some points within the bituminous and semibituminous coal regions of the State, comprising the counties of Allegheny, Bedford, Fayette, Greene, Somerset, Washington, Armstrong, Beaver, Butler, Indiana, Westmoreland, Cameron, Clarion, Crawford, Clearfield, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango, Warren, Blair, Bradford, Cambria, Centre, Sullivan, Clinton, Huntingdon, Potter, Lycoming and Tioga, who shall serve without compensation, other than their necessary traveling expenses incurred while in discharge of the duties herein prescribed and set forth.

SEC. 2. Said commissioners shall, within four months after the date of their appointment, select tracts of land of suitable area and character for the purpose named in section first, within the said described region.

SEC. 3. Said tracts of land, so selected, shall be approved by the governor in writing, and the deed for the same shall be taken in the name of the Commonwealth, in fee, for any land donated for the purpose aforesaid.

SEC. 7. Said commissioners shall proceed to erect said buildings and complete the same, at as early a period as possible compatible with the economical, substantial and skilful execution of the work, and shall make report to the board of public charities of the amount of money expended by them and of the progress made in the erection of the buildings, semiannually, at least, and oftener, if so required by said board.

SEC. 8. The said commissioners, on the completion of said hospitals, shall surrender their trusts to the board of managers to consist of nine members, for each hospital, to be appointed by the governor from the counties named in the first section of this act. Said managers or trustees shall be a body politic or corporate by the name and style of "The Trustees of the Cottage State Hospitals for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania," for which they are appointed. They shall serve without compensation, other than necessary traveling expenses incurred in the discharge of the duties pertaining to the above named institutions, and such expenses shall be paid out of moneys in the State treasury, not otherwise appropriated, and shall manage and direct the concerns of said institutions, and make all necessary by-laws and regulations not inconsistent with the constitution and laws of the Commonwealth.

SEC. 9 (as amended by act, p. 837, Acts of 1911). These hospitals shall be specially devoted to the reception, care, and

treatment of injured persons; but the trustees may, in their discretion, receive, care for, and treat patients other than injured persons, either medical or surgical, when the hospital facilities are for the time being more than sufficient for the accommodation of injured persons in the hospital, and a reasonable allowance of room for prospective patients of this class, [sic] and, in the order of admission, indigent injured persons shall have precedence over any other class of patients.

**Gifts.**           Sec. 10. It shall be lawful for the trustees of said hospital to receive contributions or donations from any person, firm or corporation offering to contribute or donate any money or other valuable consideration, whether by will, deed, gift or otherwise, to aid in the support, maintenance and for improving the property of said hospital: *Provided*, That the proceeds of all contributions or donations received by the said trustees, under the provisions of this section, shall be specially appropriated for the purposes herein stated: *Provided further*, That an itemized statement of the same showing the whole amount of moneys received by the said trustees, under the provisions of this section, and the name or names of any person, firm or corporation contributing or donating the same, together with an itemized statement of the expenditures of said money, shall be made quarterly, under oath, to the auditor general, the same as statements for State appropriations are now required by law.

**Visitors.**       Sec. 11. The governor, judges of the several courts of record of this Commonwealth, inspectors of mines for the region, and members of the legislature shall be ex-officio visitors of the institution.

Approved the 14th day of June, A. D. 1887.

#### RHODE ISLAND.

#### ACTS OF 1911.

##### CHAPTER 653.—*Employment of children—Certificates.*

**Exemption.**     SECTION 1. The requirement of chapter 533 of the Public Laws, passed at the January session, A. D. 1910, respecting the ability of the child to read at sight and to write legibly simple sentences in the English language, shall not apply to children holding certificates lawfully issued prior to January 1, A. D. 1911.

Approved February 24, 1911.

##### CHAPTER 701.—*Factory, etc., regulations—Hoisting shafts.*

SECTION 1. Section 5 of chapter 78 of the General Laws, entitled "Of factory inspection," is hereby amended so as to read as follows:

**Guards re-**     "Section 5. It shall be the duty of the owner, agent or lessee  
**quired.**       of any factory, manufacturing or mercantile establishment, where hoisting shafts or well holes are used, to cause the same to be properly and substantially enclosed or secured if, in the opinion of the inspectors, it is necessary to protect the life or limbs of those employed in such establishments. The owner, agent or lessee of any factory, manufacturing or mercantile establishment shall enclose or cause to be enclosed all freight elevator ways on all sides thereof, and shall provide or cause to be provided an entrance or entrances thereto by means of an automatic or semiautomatic gate or gates, not less than six feet in height, sliding vertically upward and so constructed as to close by the action of the elevator on leaving each floor."

Approved May 12, 1911.

##### CHAPTER 715.—*Protection of employees on buildings.*

**C o u n t e r**     SECTION 1. If in the erection of an iron or steel framed build-  
**floors.**       ings the spaces between the girders or floor beams of any floor

are not filled or covered by the permanent construction of said floors, by the contractor or the owner of such building, before another story is added to the building, a close board flooring shall be placed and maintained over such spaces, from the time when the beams or girders are placed in position until said permanent construction is applied.

SEC. 2. Where in the case of the construction of a building of three or more stories in height, other than an iron or steel framed building, the floors are required to be double floors, the contractor of the carpenter work or the owner of such building shall lay or cause to be laid the under floor of each story as the building progresses, and if the floors are required to be only single floors, then the contractor or owner shall lay or cause to be laid a safe, permanent or temporary close board floor as the work progresses, so that no construction work shall be done in any case on such building more than two stories above such completed under floor, or such permanent or temporary board floor.

SEC. 3. Such spaces and openings may be left through the floors, in the construction of the buildings referred to in sections one and two, as may be reasonably required for the proper construction of such building, and for the raising and lowering of materials to be used in the construction of such building, or such spaces and openings as may be designated by the plans or specifications for stairways and elevator shafts, but all such spaces and openings shall be enclosed by the contractor or the owner of such building by a double rail barrier not less than four feet from the floor, and not less than two feet from the edge of such space or opening.

SEC. 4. Every person who violates any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five or more than two hundred dollars.

SEC. 5. It shall be the duty of the inspector of buildings or other officer in any city or town charged with the enforcement of the building laws of such city or town to enforce the provisions of this act.

SEC. 6. This act shall take effect January 1, 1912.

Approved May 12, 1911.

Under floors.

Openings.

Guards.

Violations.

Enforcement.

Act in effect, when.

**SOUTH CAROLINA.**

**ACTS OF 1911.**

*No. 18.—Employment of children—General provisions.*

SECTION 1. Section 1 of an act [No. 90, Acts of 1903, shall] \* \* \* be amended \* \* \* so that the said section, when amended, shall read as follows:

Section 1. From and after the first day of May, 1903, no child under the age of ten years shall be employed in any factory, mine, or textile manufacturing establishment of this State; that from and after the first day of May, 1904, no child under the age of eleven years shall be employed in any factory, mine or textile establishment of this State; that from and after the first day of May, 1905, no child under the age of twelve years shall be employed in any mine, factory or textile establishment of this State.

SEC. 2. The said act [shall] be amended in section 2 thereof \* \* \* so that the said section, when so amended, shall read as follows:

Sec. 2. From and after May 1st, 1903, no child under the age of sixteen years shall be permitted to work between the hours of eight o'clock p. m. and six o'clock in the morning in any factory, mine or textile manufactory of this State: *Provided*, That no children under the age of sixteen, whose employment is permissible under the provisions of this act, may be permitted to work after the hours of eight p. m. in order to make up lost time

Age limit.

Night work.

which has occurred from some temporary shut down of the mill, on account of accident or breaking down in the machinery, which has caused loss of time: *Provided, however,* That under no circumstances shall a child below the age of sixteen work later than the hour of nine p. m.

Dependent parents.

Sec. 3. Section 3 of said act [shall] be entirely stricken out. [This section permitted the employment, under age limit, of children of dependent parents.]

Sec. 4. The "4" in section 4 of said act [shall] be stricken out, and that the figure "3" be substituted therefor. \* \* \*

Sec. 5. Section 5 of the said act [shall] be amended by striking out the figure "5" and substituting the figure "4," and striking out the figure "4" [in the body of the section] and substituting the figure "3," \* \* \*

Sec. 6. Section 6 of said act [shall] be entirely stricken out.

Sec. 7. Section 7 of said act [shall] be made section 5, and the entire section as it appears [shall] be stricken out, and the following substituted therefor:

Statement of age by parent, etc.

Sec. 5. In the employment of any child under the age of fourteen years in any factory, mine or textile manufacturing establishment, the owner or superintendent of such factory, mine or textile manufacturing establishment shall require of the parent, guardian or person standing in loco parentis of such child a sworn statement, made in duplicate, in which shall be recorded the name, birthplace, age and place of residence of every such child under fourteen years of age, the original of which statement shall be produced for inspection on the demand of [the] commissioner of agriculture, commerce and industries, or his agents or inspectors, and the duplicate of which shall be forwarded to the commissioner at his office at Columbia; the commissioner shall thereupon issue permit for employment. The commissioner shall prescribe and furnish forms under registered numbers for these statements and duplicates, and shall prescribe regulations for the keeping of proper records of the children employed in the State under the laws of the State; and any person knowingly furnishing a false statement of the age of such child or children, shall be guilty of a misdemeanor, and for every such offense shall, upon conviction, be fined not less than ten dollars nor more than fifty dollars, or be imprisoned not longer than thirty days, in the discretion of the court. The commissioner shall likewise prescribe proper forms and regulations for the employment of children provided for in any other act, making such forms and regulations compatible with those provided for in this section.

Permit.

False statements.

Sec. 9. This act shall take effect on January 1, 1912.

Approved the 16th day of February, A. D. 1911.

No. 24.—*Payment of wages due discharged employees.*

SECTION 1. \* \* \* Said section, [2718 of the Civil Code] when so amended, shall read as follows:

Wages due on discharge.

Section 2718. When any corporation carrying on any business in this State in which laborers are employed, whose wages, under the business rules or customs of such corporation, or [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, then such laborer shall recover in addition thereto, a penalty of five dollars per day for every day after twenty-four hours until such wages are paid, to be recovered in any court of competent jurisdiction, in the same action with the wages, or in a separate action: *Provided,* Such demand has been made upon the paymaster or other paying officer.

Penalty.

Approved the 18th day of February, A. D. 1911.

No. 83.—*Hours of labor of female employees—Mercantile establishments.*

SECTION 1. From and after the passage of this act the hours of labor of women employed in mercantile establishments in this State shall be limited to sixty hours per week, not to exceed twelve hours in any one day, and that such female employees shall not be required to work later than the hour of ten o'clock p. m. The enforcement of this law is placed in the hands of the commissioner and inspectors.

SEC. 2. Any employer or employers of female labor in mercantile establishments who shall violate the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$10 nor more than \$40, or imprisonment of not less than ten days nor exceeding thirty days.

Approved the 18th day of February, A. D. 1911.

No. 93.—*Seats for female employees.*

SECTION 1. Section 333, of the Criminal Code of South Carolina, [directing employers of females in mercantile establishments to furnish seats and permit their use at reasonable times, shall] be amended by adding at the end of said section the words: "The commissioner of agriculture, commerce and industries, and the state factory inspectors are hereby charged with the enforcement of the provisions of this law, and said commissioner is hereby empowered, from time to time whenever he may deem it necessary, to employ female inspectors for the purpose of collecting evidence. The sum of \$300, if so much be necessary, shall annually be appropriated for the purpose of compensating such female inspectors." \* \* \*

Approved the 17th day of February, A. D. 1911.

No. 103.—*Railroads—Safety devices.*

SECTION 1. The railroad commission is hereby given the authority to require the installation and use by the railroads operating trains in or through this State of any safety device, which in their judgment, after due consideration and trial, shall have been proved to materially contribute to the safety of the operation of trains and for the protection of the lives and limbs of the crews operating such trains or the traveling public, or for their reasonable comfort, or for the sanitation of passenger and freight trains on which passengers travel or employees work, as well as all depots, both passenger and freight.

SEC. 2. A failure to comply with such orders of said railroad commission within time fixed by said commission, shall subject said railroad to a penalty of five hundred dollars, to be collected by suit in any court of competent jurisdiction by any person or order aggrieved. \* \* \*

Approved the 17th day of February, A. D. 1911.

**SOUTH DAKOTA.**

**ACTS OF 1911.**

CHAPTER 150.—*Suits for wages—Exemptions restricted.*

SECTION 1. Section 361 of the Code of Civil Procedure of the State of South Dakota [shall] be amended to read as follows:

Section 361. Nothing in this chapter shall be so construed as to exempt any personal property from mesne or final process for la-erty exempt. borsers or mechanics wages \* \* \* except property absolutely exempt; \* \* \*

Approved March 2, 1911.

CHAPTER 206.—*Liability of employers for injuries to their employees—Railroads.*

- Liability.** SECTION 1. Every common carrier by railroad while engaging in trade or commerce in the State of South Dakota, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then to the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier or by reason of any defects or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment: *Provided, however,* That nothing in this act shall be held to apply to any common carrier by railroad while engaging in commerce between any of the several States and Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories or between the District of Columbia or any of the States and Territories and any foreign nation or nations: *And provided further,* That the provisions of this act shall apply and extend to every common carrier by railroad while engaging in intrastate commerce as distinguished from interstate commerce.
- Acts of fellow servants.** SEC. 2. In all actions hereafter brought against any such common carrier by railroad under or by virtue of any of the provisions of this act to recover damages for any personal injury to an employee or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributed to such employee: *Provided,* That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the death or injury of such employee.
- Defective ways and appliances.** SEC. 3. Any right of action given by this act to a person suffering injury shall survive to his or her personal representative for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then to the next of kin dependent upon such employee but in such cases there shall be only one recovery for the same injury or death.
- Scope of law.** SEC. 4. In any action brought against any common carrier by railroad under or by virtue of any provisions of this act to recover damages for injuries to, or to [for] the death of, any of its employees, such employees shall not be held to have assumed the risk of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.
- Negligence to be measured.** SEC. 5. Any contract, rule, regulation or device whatsoever, the purpose or intent of which shall be to enable any common carrier by railroad to exempt itself from any liability created by this act, shall to that extent be void: *Provided,* That in any action brought against any such common carrier under or by virtue of any of the provisions of this act such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.
- Right of action survives.** SEC. 6. No action shall be maintained under this act unless commenced within two years from the day the cause of action accrued.
- Risks not assumed, when.** SEC. 7. The term "common carrier" as used in this act shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier by railroads.
- Contracts of waiver.**
- Set-offs.**
- Limitation.**
- Definition.**

Approved February 25, 1911.

CHAPTER 208.—*Railroads—Caboose cars.*

SECTION 1. It shall be unlawful, except as otherwise provided in this act for any common carrier by railroad to use on its lines in this State, any caboose car or other car used for like purpose unless such caboose or other car shall be at least twenty-four feet in length exclusive of the platforms and equipped with two four-wheel trucks, and said caboose car or other car shall be of constructive strength equal to that of the sixty thousand pound capacity freight cars constructed according to M. C. B. standards and shall be provided with a door in each end thereof and an outside platform across each end of said car; each platform shall not be less than twenty-four inches in width and shall be equipped with proper guard rails, and with grab irons and steps for the safety of persons getting off and on said cars, said steps shall be equipped with a suitable rod, board of [or] other guard at each end and at the back thereof properly designed to prevent slipping from said step, and said caboose shall be equipped with cupola [cupola] and necessary closets and windows.

Dimensions and equipment.

SEC. 2. The provisions of the preceding section shall not apply to the use of any combination passenger car or passenger coach or stockman's sleeper used as a substitute for a caboose car on any of the lines of railroad in this State, and the provisions of section one relating to constructive strength shall apply only to the body of the caboose car or other cars used, and none of the provisions of this act shall apply to other than standard gauge lines of railroad in this State, nor in case of accident or casualty in which event the train may proceed to the next division point without violation of the provisions of this act, and the provisions of this act shall not apply to the operation of trains employed exclusively in original construction work on any line of railroad in this State.

Application.

SEC. 3. The State railroad commission is hereby authorized to grant to any common carrier aforesaid, upon full hearing and for good cause shown, a reasonable extension of time in which to comply with the provisions of this act: *Provided*, That in no case shall such extension in the aggregate exceed a period of one year from the taking effect of this act.

Extension of time.

SEC. 4. Any common carrier as provided in section 1 of this act violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense and the use of any one caboose car or other car as prohibited by this act shall constitute a separate offense for every day or part of a day so used, \* \* \*

Violations.

Approved February 17, 1911.

CHAPTER 213.—*Railroads—Electric headlights.*

SECTION 1. It shall be the duty of every railroad corporation or receiver or lessee thereof operating any line of railroad in the State of South Dakota to equip all locomotives being operated in road service in the State of South Dakota, in the night time, with a headlight of not less than 1500 candle power measured without the aid of a reflector, the same to be kept in good condition: *Provided*, That ten per cent (10%) of the said locomotives shall be required to be equipped within sixty days after the passage and approval of this act and an additional ten per cent (10%) to be so equipped every thirty days thereafter until all engines operated in the State of South Dakota in the night time in road service shall be equipped according to the provisions of this act.

Standard required.

SEC. 2. Any railroad corporation or receiver or lessee thereof operating any line of railroad in the State of South Dakota which shall violate any of the provisions of this act shall be liable to the State of South Dakota for a penalty of not less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000) for each offense. \* \* \*

Violations.

Approved March 1, 1911.

## TENNESSEE.

## ACTS OF 1911.

CHAPTER 20.—*Earnings of married women.*

**When payable to employee.** SECTION 1. Whenever any married woman employee is dependent upon her wages, salary, or other compensation for the support of herself or her dependent children, and so notifies her employer in writing, it shall be unlawful for said employer to pay her said wages, salary, or other compensation to any other person except to her.

**Other payments void.** SEC. 2. Any payment of wages, salary, or other compensation in violation of this act shall be void, and such married woman employee may recover the same before any justice of the peace of the district in which the plaintiff resides, or in which her agent or attorney resides, if the plaintiff is a nonresident of the county, unless the defendant acknowledge in writing the plaintiff's claim and that he or it has no offset, and in that case in the district in which the defendant resides, and any such married woman employee may prosecute such action without the aid of next friend, or the joining of her husband as a party plaintiff therein, and upon the oath provided for poor persons in lieu of prosecution bond.

Approved March 27, 1911.

CHAPTER 30.—*Inspector of factories, etc.*

**Salary.** SECTION 1. The salary of the shop and factory inspector shall be fifteen hundred dollars (\$1,500) per annum, payable monthly on the warrant of the comptroller, as other salaries are paid, and the sum of five hundred dollars (\$500) per annum, or as much thereof as may be necessary, is hereby appropriated for the expenses of said shop and factory inspector incurred in the actual performance of his official duties, said expenses to be itemized, evidenced by vouchers, and sworn to.

**Monthly reports.** SEC. 2. The shop and factory inspector, in addition to the annual reports now required of him, shall make additional monthly reports to the governor of the inspections made by him, and other official duties performed during the preceding month.

Approved April 7, 1911.

CHAPTER 57.—*Employment of children—Age limit.*

**Age limit.** SECTION 1. It shall be unlawful for any proprietor, foreman, owner, or other person to employ, permit, or suffer to work any child less than fourteen years of age in, about, or in connection with any mill, factory, workshop, laundry, telegraph or telephone office, or in the distribution or transmission of merchandise or messages.

**Employment during school time.** SEC. 2. It shall be unlawful for any proprietor, foreman, owner, or other person to employ, permit, or suffer to work any child under fourteen years of age in any business or service whatever which interferes with the child's attendance at school, except in agricultural or domestic service, during any part of the term of the public schools of the district in which the child resides are in session.

**Occupations forbidden.** SEC. 3. No child under the age of sixteen years shall be employed, permitted, or suffered to work at any of the following occupations or in any of the following positions: repairing machine belts, while in motion, in any workshop or factory, or assisting therein in any capacity whatever; adjusting any belt to any machinery; oiling or cleaning machinery or assisting therein; operating or assisting in operating circular or band saws, wood shapers, wood jointers, planers, sandpaper or wood-polishing machinery; picker machines, machines used in picking wool, machines used in picking cotton, machines used in picking hair,

machines used in picking any upholstering material; paper-lacing machines, leather-burnishing machines in any tannery or leather manufactory; job or cylinder printing presses operated by power other than foot power, emery or polishing wheels used for polishing metal, wood-turning or boring machinery, stamping machines used in sheet metal and tinware manufacturing, stamping machines in washer and nut factories, corrugating [corrugating] rolls, such as are used in roofing and washboard factories; steam boilers, steam machinery or other steam generating apparatus, dough brakes or crackery machinery of any description; wire or iron straightening machinery, rolling mill machinery, punches or shears; washing, grinding, or mixing mills; calendar rolls in rubber manufacturing; laundering machinery; dipping, drying, or packing matches; or in mines or quarries.

SEC. 4. It shall be unlawful for any proprietor, foreman, owner, or other person to employ any child under eighteen years of age as a messenger for a telegraph or messenger company in the distribution, transmission, or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day.

SEC. 5. It shall be unlawful for any proprietor, foreman, owner, or other person to employ, permit, or suffer to work any child between the ages of fourteen and sixteen years in, about, or in connection with any place or establishment named in section 1, unless said proprietor, foreman, owner, or other person keep on file and accessible to the shop and factory inspector a sworn statement made by the parent or guardian or any person acting as guardian of such child, setting forth the place and date of birth of such child, and whoever shall make false statement as to the age of such child in such sworn statement shall be deemed guilty of perjury.

Statements  
of age on file.

SEC. 6. Whoever employs any child and whoever having under his control as parent, guardian, or otherwise any child, permits or suffers such child to be employed or to work in violation of any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than two hundred and fifty dollars, in the discretion of the court.

Violations.

Adopted [approved] July 4, 1911.

TEXAS.

ACTS OF 1910, FOURTH EXTRA SESSION.

CHAPTER 2.—*Cotton bales—Bands, ties, etc., to be safe.*

SECTION 1. Every person, firm, corporation or association of persons, owning or operating a compress in this State, and their agents and employees, are hereby required, in compressing, recompressing, baling or rebaling cotton bales, to so bind and tie every bale of cotton by them compressed, recompressed, baled or rebaled, so that no such bale shall be delivered to any railroad company or other common carrier by such person, firm, corporation or association of persons, their agents or employees, unless such bale of cotton shall be free from all or any dangerously exposed ends of bands or buckles, or any dangerously exposed or protruding part of the ties, bands, buckles or splices used in tying or binding such bale of cotton. And any such person, firm, corporation or association of persons who shall fail to bind or tie any bale of cotton by them compressed, recompressed, baled or rebaled, in the manner above provided, and shall deliver or cause to be delivered any such bale of cotton to any railroad company or other common carrier, such person, firm, corporation or association of persons shall forfeit and pay to the State of Texas the sum of not less than fifty dollars nor more than two hundred and fifty dollars, which may be recovered in a civil suit brought in the name of

Requirements  
as to bands,  
ties, etc.

Violations.

the State of Texas in a court of competent jurisdiction: *Provided* That any person, firm, corporation or association of persons receiving for storage, loading for transportation, or transporting any such compressed bale or bales of cotton, in this State, containing any dangerously exposed ends of bands or buckles, or any dangerously protruding part or parts of the ties, bands, buckles or splices used in tying or binding such bale or bales of cotton, shall be liable in damages for injury to any person in the employ of such person, firm, corporation or association of persons, occasioned by reason of such dangerously exposed ends of bands or buckles, or any dangerously exposed or protruding part or parts of the ties, bands, buckles or splices used in tying or binding such bale or bales of cotton while in the discharge of the duties of such

Duty of inspection.

Enforcement.

SEC. 2. It shall be especially the duty of the commissioner of labor and his deputies, to see that the provisions of section 1 hereof are observed and enforced, and in pursuance thereof he shall obtain and collect evidence of all violations of said provisions upon the part of persons, firms, corporations and associations of persons engaged in the business of compressing cotton, who shall fail to comply with the provisions of section 1 hereof. The commissioner of labor shall file annual statements with the governor showing in detail all expenses incurred by him in connection with his duties under this act.

Approved August 31, 1910.

CHAPTER 6.—*Railroads—Shelters over repair tracks.*

Shelters required, when.

SECTION 1. Every person, corporation or receiver engaged in constructing or repairing railroad cars, trucks or other railroad equipment, shall erect and maintain a building or shed at every station or other point where as many as five men are regularly employed on such repair work, the building or shed to cover a sufficient portion of its track so as to provide that all men regularly employed in the construction and repair of cars, trucks, or other railroad equipment, shall be sheltered from rain and protected from other inclement weather. The provisions of this act shall not apply at points where less than five men are regularly employed in the repair service, nor at division terminals or other points where it is necessary to make light repairs only, on cars, nor to cars loaded with time or perishable freight, nor to cars when trains are being held for the movement of said cars.

Violations.

SEC. 2. Any person, corporation or receiver, who shall violate the provisions of this act shall be liable to the State of Texas for a penalty in any sum not less than fifty dollars nor more than one hundred dollars, and each ten days of such failure or refusal to comply with the provisions of this act shall be considered a separate infraction authorizing the recovery of a separate penalty.

Time for compliance.

SEC. 3. \* \* \* All persons, corporations or receivers affected by this act shall have until June 1, 1911, within which to comply with the provisions thereof [hereof].

Takes effect ninety days after adjournment.

ACTS OF 1911.

CHAPTER 11.—*Commissioner of labor.*

Inspector.

[This chapter amends section 12 of chapter 24, Acts of 1909, by adding to the personnel of the bureau of labor an inspector of safety appliances, and enlarging the incidental expense fund from \$1,500 to \$3,000.]

Approved February 20, 1911.

CHAPTER 46.—*Employment of children—Age limit.*

SECTION 1. Any person, or any agent, or any employee of any person, firm or corporation who shall hereafter employ any child under the age of fifteen years to labor in or about any manufacturing or other establishment using dangerous machinery, or about the machinery in any mill or factory, or in any distillery, brewery, or to labor in any capacity in the manufacture of goods for immoral purposes, or where their health may be impaired or morals debased, or shall send any such child to any disorderly house, bawdy house, or assignation house, or having the control of such child, shall permit him or her to go to any such house, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty dollars nor more than two hundred dollars, and each day the provisions of this act are violated shall constitute a separate offense.

Age limit.

Dangerous or immoral employments.

SEC. 1a. Such person, firm or corporation, or any agent thereof, shall give free access at all times to the commissioner of labor statistics of the State of Texas, and his deputies, for the inspection of their premises and of the methods employed, to insure compliance with the provisions of the foregoing section.

Inspection.

SEC. 2. Any person, agent, or any employee of any person, firm or corporation, who shall hereafter employ any child under the age of 17 years to labor in or about any quarry or mine shall be punished as provided for in section 1 of this act.

Age limit in mines.

SEC. 2a. Such person, firm or corporation, or any agent thereof, shall give, free access at all time to the commissioner of labor statistics of the State of Texas, and his deputies, for the inspection of their premises and of the methods employed, to insure compliance with the provisions of the foregoing section.

Inspection to be allowed.

Approved March 13, 1911.

CHAPTER 63.—*Safety appliances on railroads—Inspector.*

SECTION 1. It shall be unlawful for any person, corporation or receiver to operate or cause to be operated any train, on any line of railroad in this State, without first having the air brakes and air brake attachments inspected and tested before leaving the division terminals for such trains, by a competent inspector, who shall have had at least three years' experience as a car inspector or car repairer. *Provided*, That this act shall not apply to tram roads engaged in hauling logs to any saw mill.

Inspection required.

SEC. 2. The provisions of this act shall not apply in case of emergency where such companies cannot obtain the employees mentioned in this act who have the qualifications prescribed by the provisions thereof; then such companies may employ temporary inspectors: *Provided*, The provisions of this act do not apply to railroads under forty miles in length.

Emergencies, etc.

SEC. 3. Any person, corporation or receiver violating any of the provisions of this act shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100), and each operation of any such train without such inspection first having been made, as provided herein, shall constitute a separate offense.

Violations.

Approved March 13, 1911.

CHAPTER 97.—*Mine regulations—Electric wires—Maps.*

SECTION 1. From and after September 1, 1911, in all mines in this State where electricity is or hereafter shall be used as a part of the system, power or means of mining and procuring the coal or other mineral from any of said mines, that the owners or operators of every such mine shall cause all wires conducting electricity in and about said mine to be carefully and thoroughly insulated or protected in a safe manner, so that the person or animals coming in contact therewith shall not be injured thereby;

Installation of wires, etc.

all wires as aforesaid shall either be thoroughly insulated or placed where persons employed in and about the mines can not come in contact therewith, or shall be covered, protected or shielded in a safe manner, so as to prevent any injuries or accidents therefrom to those in or about the mines: *Provided, however,* It shall not be necessary to insulate or cover trolley wires, but they shall all be hung and kept not less than five feet and six inches above the rail, and shall be securely fastened, and not permitted to sag less than said height. Where there is sufficient height in existing entries to permit this, but where sufficient height is not available in existing entries, then the trolley wires shall be placed to one side of the entry, six inches outside the rail; and in all such cases the trolley wire shall be placed on the side of the entry opposite from the working rooms, except where there are rooms on both sides of the entry, in which event, the trolley wires may be placed over the opening of said rooms, said trolley wires to be safely shielded: *Provided,* Where it is impracticable in existing entries to place trolley wires six inches outside of the rail, or five feet, six inches high, and where separate travel way is not provided, then the trolley wire shall be safely shielded: *And it is further provided,* That this act shall not apply to entries that are not used as travel ways for workmen or work animals: *Provided, however,* That this section shall not apply to mines in operation in this State on January 1, 1902, and prior thereto, and which have developed until there is at least two thousand (2000) feet distance from the shaft to the face of the coal being operated, except as to extensions of trolley wires made and to be made after January 1, 1910, in such mines.

**Violations.**

Sec. 2a. Each and every person, company, corporation or receiver, who shall in any manner violate any of the provisions of this act, shall for each and every offense committed forfeit and pay to the State a penalty of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, and it shall be the duty of the district or county attorney to institute suit in the name of the State for the recovery of same.

**Same.**

Sec. 2. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred (\$500) dollars, or imprisonment in the county jail for a period not exceeding six months.

**Enforcement.**

Sec. 3. It shall be the duty of the State mining inspector to see that the provisions of this act are complied with, and shall report all violations hereof to the State mining board and to the district or county attorney of the county where the offense is committed.

**Map of mine.**

Sec. 4. It shall be the duty of every operator of a coal mine in the State of Texas to make a map of the underground workings of every mine in his charge, under operation on the first day of January, 1912, or that may be opened thereafter; said map shall be drawn on a scale of one inch to one hundred feet, and shall indicate the surface land lines as well as the rooms, entries or openings underground. It shall be brought up to date at least once each month, covering operations for the preceding month. The original of said map shall be on file at the office of the operator at or near said mine. Said map shall be extended or brought up to date at any time requested by the State mine inspector, at least every three months, if, for any reason, a mine should be closed, then a final map shall be made and filed: *Provided, however,* That maps existing on the date of the passage of this act may be continued on the same scale as begun, if not smaller than one-half inch to one hundred feet.

**Violations.**

Sec. 5. The penalty for noncompliance with section 4 hereof shall be by a fine of not less than twenty-five (\$25) dollars nor more than fifty (\$50) dollars for each offense.

Approved March 23, 1911.

CHAPTER 102.—*Mine regulations—Storage of food for animals.*

SECTION 1. It shall be unlawful for any person, association of persons, corporation or receiver, owning, operating or managing any mine in this State, to feed or permit to be fed any work animal in said mines, or to store or keep any feed for such animals in said mines. Feeding animals in mines.

SEC. 2. It shall be unlawful for any person, association of persons, corporation or receiver, owning, operating or managing any mine in this State, to permit any work animal to remain in any mine longer than ten consecutive hours. Keeping animals in mines.

SEC. 2a. It is further provided that sections 1 and 2 shall not apply to mines complying with the following provisions: Law does not apply, where.

All stables in mines in which work animals are kept shall be equipped with fireproof doors at each opening, with a door frame of concrete, stone or brick, laid in mortar, and such stable door shall be kept closed during working hours of mines.

All feed, hay, grass, cane, etc., except corn, corn chops, bran and shelled oats, shall not be taken down the hoisting shaft until after the regular day shift is out of the mine.

It is further provided that no open light shall be taken into any underground stable by any person.

It is further provided that not over twenty-four (24) hours' supply of hay, grass or cane, or any other kind of inflammable stock food, except corn, corn chops, bran and shelled oats, shall be taken down in any one day.

SEC. 3. Each and every person, company, corporation or receiver who shall in any manner violate any of the provisions of this act shall for each and every offense committed forfeit and pay to the State a penalty of not less than one hundred dollars nor more than five hundred dollars, and it shall be the duty of the district or county attorney to institute suit in the name of the State for the recovery of same. Violations.

SEC. 4. In addition to the penalties provided in section 3 of this act, every person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not less than one month nor more than one year. Added penalty.

SEC. 5. It shall be the duty of the State mining inspector to see that the provisions of this act are complied with, and he shall report all violations thereof to the State mining board and to the district or county attorney of the county where the offense is committed. Enforcement.

Approved March 23, 1911.

RESOLUTIONS.

*Employees' compensation commission.*

(Page 274.)

SECTION 1. There is hereby created a commission to be designated and known as the Texas Employees' Compensation Commission. Commission created.

SEC. 2. The said Texas Employees' Compensation Commission shall be composed of seven members, four members to be appointed by the speaker of the house of representatives, said four members to be members of the house of representatives; three members to be appointed by the president of the Senate, said three members to be members of the Texas senate. Members.

SEC. 3. The persons appointed to be members of said commission shall be such as are known to possess knowledge of and training in the subject of compensation of employees for injuries received in the course of employment. Qualifications.

SEC. 4. The said commission shall elect its own chairman and may employ a clerk or stenographer of the senate or house, who Organization.

shall act as secretary of the committee, who shall receive no additional compensation.

Duties, etc. SEC. 5. It shall be the duty of said commission, and it shall have the power and authority:

(a) To have and exercise general supervision over the collection of data and other information to the end that such a report as it shall make shall be relatively just and equal and in compliance with the fundamental laws of this State.

(b) To cause the particular operation of laws passed by other States and foreign countries to be investigated sufficiently to determine whether the various laws framed and now in operation upon the matter of compensation of employees, whether in the form of insurance or otherwise, are successful in the particular jurisdiction, with enough of the data and information furnished with the report to point out the weakness and strength of those laws from a practical [practical] standpoint when compared with our own conditions and constitutional systems.

Report. (c) To make written report to this legislature, as soon as practicable, the results of the information so collected, together with a bill or bills, drafted by said commission, providing a plan for speedy remedy for employees for injuries received in the course of their employment, which will be fair to the employees and the employers and just to the State.

(d) Said commission shall cause to be preserved a record of its proceedings, including all evidence adduced before it, and all oral evidence shall be preserved in question and answer form. All evidence taken by the commission shall be submitted to the legislature along with its report.

(e) Said commission shall have power to employ such help and assistance as it may deem necessary and expedient from time to time and pay all necessary expenses.

Compensation. SEC. 6. No compensation shall be allowed to any of the members of the said commission as such, but the necessary expenses incurred by the commission in carrying out the provisions of this resolution shall be allowed, not to exceed in the aggregate the sum of one thousand dollars, and said sum, or so much thereof as may be necessary, shall be paid out of the contingent expense fund of the house of representatives and the senate.

## UTAH.

### ACTS OF 1911.

#### CHAPTER 74.—*Coercion of workmen, etc.—Joining unions.*

Coercion, etc., forbidden. SECTION 1. It shall be unlawful for any person to exact by threat, or coercion, any money, tribute or support whatsoever, from any person; or to induce him by threats, or coercion, to join any organization.

Violations. SEC. 2. Any person violating any of the provisions in this act shall be guilty of a misdemeanor: *Provided*, That any person who commonly practices, or who follows the occupation of exacting money, tribute or support from any person by means of threats, or coercion, for any purpose whatsoever, shall be deemed a common vagrant and punished accordingly.

Approved March 18, 1911.

#### CHAPTER 106.—*Employment of women and children in barrooms, etc.—Sale of intoxicants near labor camps.*

Employment of minors. SECTION 23. No holder of a license for the sale at retail of intoxicating liquors shall employ any person under the age of twenty-one years to serve such liquors to be drunk on the premises.

SEC. 24. No person, partnership or corporation shall employ a minor under the age of twenty-one years in handling intoxicating liquors or packages containing such liquors in a brewery or bottling establishment, in which such liquors are prepared for sale or offered for sale. Employment of minors.

SEC. 28. The licensed premises shall be conducted in a quiet, orderly manner; \* \* \* no female shall be employed in the place; \* \* \*. Employment of females.

SEC. 41. It shall be unlawful for the board of county commissioners of any county in this State to grant a license to any person to sell, barter, exchange, give away or otherwise furnish malt, spirituous or vinous liquors within five miles of any camp or assembly of men engaged in the construction or repair of any railroad, canal, reservoir, public work, or other kindred enterprise, where twenty-five or more men are employed. Sale of liquor near labor camps.

Approved March 20, 1911.

#### CHAPTER 113.—*Bureau of immigration, labor, and statistics.*

SECTION 1. A State bureau of immigration, labor and statistics is hereby created and established and said bureau shall be under the control of a commissioner. Bureau created.

SEC. 2. It shall be the duty of the governor, by and with the consent of the senate, to appoint a competent person a commissioner of immigration, labor and statistics, who shall have charge of said bureau, and who shall hold office for the term of two years, or until his successor shall have qualified. He shall receive a salary of \$1,800 per year and all necessary traveling expenses not exceeding \$500 per annum while traveling in the discharge of his official duties. The commissioner shall have power to appoint a deputy commissioner or chief clerk who shall receive a salary of \$1,200 per year. The salaries of the commissioner and deputy commissioner or chief clerk shall be paid as are the salary of and fees of other State officers. Before entering upon the duties of his office, the commissioner shall take oath for the faithful discharge of the duties thereof, the same as other State officers. Commissioner.

SEC. 3. It shall be, and is hereby made, the duty of said commissioner to collect and compile and present in annual reports to the governor all reliable data and information at his command, concerning \* \* \* the wages and hours of labor, both skilled and common, and its relation to capital; \* \* \*. Duties.

SEC. 4. It shall be the duty of the commissioner to investigate and report to the proper authorities, all violations of law regarding the conditions surrounding the employment of children, minors and women and the laws established for the protection of all employees in factories, mines, mills and other institutions where labor is employed and to make such recommendation in relation thereto as he may deem proper for the protection of employees. In case any owner or occupant or his agent, shall refuse to admit any officer of said bureau to his workshop or factory, mine or smelter, store or hotel, when open, or in operation, or shall willfully give false information concerning the same, he shall be guilty of a misdemeanor for each and every offense, and upon conviction thereof shall be subject to a fine of not more than \$50 or less than \$10 or by imprisonment not to exceed fifteen days. Enforcement of laws.

SEC. 5. With the approval of the State board of examiners, said commissioner is authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and things hereinabove enumerated and to that end to employ the necessary clerical assistance, and to provide the necessary office room, stationery, printing, blank forms and other incidental matters required to carry into effect the provisions of this act. Investigations, etc.

Approved March 20, 1911.

CHAPTER 132.—*Mine regulations.*

[This chapter amends several sections of the Compiled Laws of 1907, and repeals two.

- Deputy in-** Section 1507 is amended by authorizing the State mine inspector to appoint a deputy, if thought necessary, and a clerk to assist in the office.
- Board.** Section 1509 is amended by reducing the amount of the inspector's bond from \$10,000 to \$5,000.
- Annual re-** Section 1512 is amended by adding requirements of annual returns of the amount and distribution of the coal mined, the amount of powder used, the number and nationality of the men employed, and the number of fatal and nonfatal accidents. Notice of the opening of new mines is to be given in 30 days.
- Crosscuts.** Section 1515 is amended in subdivision 10 by requiring crosscuts for ventilation at distances of not more than 100 feet nor less than 50 feet apart, and without reference to the height of the room.
- Scope of law.** Section 1517 is amended by substituting for the words "mining of coal," the words "mining in coal and hydrocarbon mines," and adding, "And whenever underhand stoping is used to extract hydrocarbon ore, an efficient system of timbering approved by the mine inspector shall be enforced."
- Special pro-** Section 1518 is amended by adding provisions requiring only visions. electric storage battery lamps of an approved pattern to be used in all hydrocarbon mines; and that boreholes be kept at least 25 feet in advance of the workings when approaching old, abandoned, or other mines containing water or fire damp. In subdivision 9, a provision is added making the carrying into any hydrocarbon mines of any fire, open lights or matches or any pipe or tobacco, or having any quantity of explosives in excess of that allowed by law, a misdemeanor. To subsection 12 is added a provision forbidding the use of coal drillings, coal dust, or small pieces of coal for tamping; clay or earth are to be furnished unless wood pulp is used. Old subdivision 18 is stricken out and the numbering of subdivisions 19 and 20 changed to 18 and 19. In the new subdivision 19, the minimum number of periods for shooting is fixed at at least two during each shift instead of at least three per day.
- Repeals.** Section 1523, restricting the operations of law to mines employing more than 6 men, is repealed; as is section 1533, which provides a special penalty for violations of the statute as to weighing coal at mines and restricting its application so as to relate only to mines employing 10 or more miners in 24 hours.]

Approved March 20, 1911.

CHAPTER 133.—*Hours of labor of women.*

**Fifty-four hours per week.** SECTION 1. No female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment, hospital or office, or by any express or transportation company in this State, more than nine hours during any one day, or more than fifty-four hours in any one week, except in cases of emergency in hospitals and in cases of emergency or where life or property is in imminent danger or where materials are liable to spoil by the enforcement of this act.

**Violations.** SEC. 2. Any person or persons, corporation or other association engaged in conducting or operating any of the business institutions or enterprises set forth in the foregoing section, requiring or employing any female to work longer than the period of nine hours constituting a day's labor, except as above provided, or more than fifty-four hours in any one week shall 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 costs of prosecution.

Approved March 20, 1911.

CHAPTER 141.—*Employment of children—General provisions.*

SECTION 1. No child under the age of fourteen years shall be employed, permitted or suffered to work in any capacity in, about or in connection with the preparing of any composition in which dangerous or poisonous acids are used—manufacture of paints, colors or white lead; manufacturing, packing or storing powder, dynamite, nitroglycerine compounds, fuses or other explosives; manufacture of goods for immoral purposes; nor in any quarry, any mine, coal breaker, laundry, tobacco warehouse, cigar factory, or other factory where tobacco is manufactured or prepared; distillery, brewery or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled; theatre, concert hall, nor saloon, nor in operating any automobile, motor car or truck; in the running or management of elevators, lifts or hoisting machines; nor in bowling alleys, nor in any other employment declared by the State board of health to be dangerous to lives or limbs, or injurious to the health or morals of children under the age of fourteen.

Age limit.

D a n g e r o u s ,  
e t c . , e m p l o y -  
m e n t s .

SEC. 2. An employment certificate shall be issued only by the superintendent of schools or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized by the school board: *Provided*, That no member of a school board or other person authorized as aforesaid shall have the authority to issue such certificate for any child then in or about to enter such person's own employment or the employment of a firm or corporation of which he is a member, officer or employee: *Provided*, That no such certificate shall be issued until the person issuing the same shall have received, examined and approved the school record of such child.

Certificates.

SEC. 3. No employment certificate shall be issued until the child in question has personally appeared before and been examined by the officer issuing the certificate, nor until such officer, after making such examination, has signed and filed in his office a statement that the child can read and legibly write simple sentences in the English language.

Issue.

SEC. 4. The school record required by this act shall be signed by the principal or chief executive officer of the school which such child has attended, and shall be furnished on demand to a child entitled thereto.

School rec-  
ords.

It shall contain a statement certifying that the child has attended the public schools or parochial schools equivalent thereto for not less than one hundred days during the year previous to his arriving at the age of fourteen years, or during the year previous to applying for such school record, and is able to read and write simple sentences in the English language.

SEC. 5. Any authorized inspector or the truant officer shall make demand on any employer in or about whose place or establishment a child apparently under the age of fourteen years is employed or permitted or suffered to work, and require such employer to furnish him within ten days satisfactory evidence that such child is in fact over fourteen years of age, or shall cease to employ or permit or suffer such child to work in such factory.

Power of  
inspectors.

SEC. 6. No female under the age of twenty-one years shall be employed, permitted or suffered to work in, about or in connection with any restaurant, resort or place of amusement where alcoholic liquors are manufactured or dispensed.

Employment  
of females in  
saloons, etc.

SEC. 7. In cities of the first or second class no person under the age of twenty-one years shall be employed or permitted to work as a messenger for a telegraph or a messenger company in the distribution, transmission or delivery of goods or messages before 5 o'clock in the morning or after 9 o'clock in the evening of the day. And no person under the age of twenty-one years shall be permitted to deliver messages or goods to, or required to visit,

Messengers.

Night work.

Immoral re-  
sorts.

in the course of any employment, any house of ill repute, or saloon, or gambling house, or other places of objectionable character which have been disapproved by the juvenile court.

Hours of labor for children.

SEC. 8. No boy under the age of fourteen years and no girl under the age of sixteen years shall be employed, permitted or suffered to work at any gainful occupation other than domestic service, fruit or vegetable packing or work on a farm more than fifty-four hours in any one week.

Street trades.

SEC. 9. No male child under twelve and no girl under sixteen years of age shall, in any city of the first or second class, sell or expose or offer for sale newspapers, magazines, periodicals or other merchandise in any street or public place. No child shall work as a bootblack in any street or public place unless he is over twelve years of age.

Permits for street trades.

SEC. 10. No male child under sixteen years of age shall sell or expose or offer for sale in any street or public place any of the articles mentioned in section 9 or work as a bootblack therein, unless a permit as hereinafter provided shall have been issued to him by the superintendent of schools or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized by the school board on the application of the parent, guardian or other person having the custody of the child desiring such permit or in case said child has no parent, guardian or custodian, then on the application of his next friend, being an adult. Such permit shall not be issued until the officer issuing the same shall have received, examined, approved and placed on file in his office satisfactory proof that such male child is of the age of twelve years or upwards, and shall also have received, examined and placed on file the written statement of the principal or chief executive officer of the school which the child is attending, stating that such child is an attendant at such school, that he is of the normal development of a child of his age and physically fit for such employment, and that said principal or chief executive officer approves the granting of a permit to such child.

Contents of permit.

SEC. 11. Such permit shall state the name and address of its parent, guardian, custodian or next friend, as the case may be, and shall describe the color of the hair and eyes, the height and weight and any distinguishing facial mark of such child.

Night work.

SEC. 12. No child to whom a permit is issued as provided for in section 10 of this act shall work as a bootblack, sell or expose or offer for sale any newspapers, magazines, periodicals or other merchandise in any street or public place after 9 o'clock in the evening.

Evidence.

SEC. 13. In case any employer shall fail to produce and deliver to an authorized inspector or truant officer, within ten days after demand made pursuant to section 2 of this act, the evidence of age therein required, and shall thereafter continue to employ such child or permit or suffer such child to work in such place or establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence of the illegal employment of such child in any prosecution brought therefor.

Violations.

SEC. 14. Whoever employs any child, and whoever having under his control as a parent, guardian or otherwise, any child, permits or suffers such child to be employed or to work in violation of any of the provisions of this act, shall for such offense be fined not less than twenty-five dollars nor more than two hundred dollars, or be imprisoned for not less than ten days nor more than thirty days, or both, in the discretion of the court.

Jurisdiction of courts.

SEC. 15. The juvenile court or courts of like jurisdiction of the State of Utah is [are] hereby given jurisdiction in all cases arising under this act.

Approved March 21, 1911.

VERMONT.

ACTS OF 1910.

No. 69.—*Employment of children—Certificate—Night work.*

SECTION 4. Any person having control of a child \* \* \* seeking an employment certificate for such child, shall, when required by the town or union superintendent, or by the school board of an incorporated district, furnish evidence of the age of such child. Evidence of age.

Sec. 5. Section 1044 of the Public Statutes as amended by section 1 of No. 44, acts of 1908 is hereby amended so as to read as follows:

Section 1044. A child under sixteen years of age who has not completed the course of study of nine years prepared for the elementary schools by the superintendent of education shall not, unless excused in writing by the town or union superintendent of schools, or by the chairman of the prudential committee in the case of an incorporated district, be employed in work connected with railroading, mining, manufacturing or quarrying, or be employed in a hotel or bowling alley, or in delivering messages, except during vacations and before and after school, unless said child deposits with his employer a certificate from said superintendent, or chairman of the prudential committee, to the effect that he is eligible to employment in accordance with the provisions of this chapter; and no child under sixteen years of age shall be employed after eight o'clock at night in any of the occupations or industries herein enumerated. In case said child has been in attendance upon a private or parochial school, such superintendent or chairman of the prudential committee may examine said child for the purpose of determining his eligibility to employment in accordance with this section. Employment during school time.

Sec. 6. Section 1045 of the Public Statutes as amended by section 2 of No. 44, Acts of 1908, is hereby amended so as to read as follows:

Sec. 1045. The town superintendent, union superintendent, or the chairman of the prudential committee, may inquire of the owner or superintendent of a mill, factory, quarry, workshop, hotel, bowling alley, or railroad office, shop or yards, as to the employment of children therein, may call for the production of certificates deposited with such owner or superintendent, and satisfy himself that the requirements of law have been complied with. Night work.

Approved January 19, 1911.

No. 70.—*Employment of children—Age limit.*

SECTION 1. Section 1046 of the Public Statutes is hereby amended so as to read as follows:

Section 1046. No child under fourteen years of age shall be employed, permitted or suffered to work for any railroad company or in, about or in connection with any mill, factory, quarry or workshop, wherein are employed exceeding ten persons. No child under the age of twelve years shall be employed by or permitted to work in, about or in connection with any mill, factory, quarry, workshop, or in delivering messages for a corporation or company or in any mercantile establishment, store, business office, restaurant, bakery or hotel. Enforcement.

Sec. 2. No child under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations or in any of the following positions: sewing machine belts in any workshop or factory, or assisting therein in any capacity whatever; adjusting any belt to any machinery; oiling, Age limit.  
Occupations forbidden.

wiping or cleaning machinery or assisting therein; operating circular or band saws, wood shapers, wood jointers, planers, sand-paper or wood-polishing machinery, picker machines, machines used in picking wool, machines used in picking cotton, machines used in picking hair, machines used in picking any upholstering material, paper-lacing machines, leather burnishing machines, burnishing machines in any tannery or leather manufactory, job or cylinder printing presses operated by power other than foot power, emery or polishing wheels used for polishing metal, wood-turning or boring machinery, stamping machines used in sheet-metal and tinware manufacturing, stamping machines in washer and nut factories, corrugating rolls, such as are used in roofing and washboard factories, steam boilers, steam machinery, or other steam generating apparatus, dough brakes, or cracker machinery of any description, wood or iron straightening machinery, rolling mill machinery, punches or shears, washing, grinding or mixing mills, calendar rolls in rubber manufacturing, or laundering machinery; preparing any composition in which dangerous or poisonous acids are used; manufacture of paints, colors or white lead; cigar factory, or other factory where tobacco is manufactured or prepared.

**Employment of girls.** SEC. 3. Females under the age of eighteen years shall not be employed, permitted or suffered to work in any capacity where such employment compels them to remain standing constantly. Every person who shall employ any female under the age of eighteen in any place or establishment mentioned in section one shall provide suitable seats, chairs or benches for the use of the females so employed, which shall be so placed as to be accessible to said employees; and shall permit the use of such seats, chairs or benches by them when they are not necessarily engaged in the active duties for which they are employed, and there shall be provided at least one chair to every three females.

**Seats.**

**Statement by parents, etc.** SEC. 4. An employer may and upon written request of the town or city grand juror, the State's attorney or the attorney general, shall require the parent, guardian or custodian of any minor in his employ to sign and furnish a certificate showing when and where such minor was born.

**Employment without certificate forbidden.** SEC. 5. No person having a minor under his control shall allow him to be employed after the certificate required by the preceding section has been requested by the employer, until the same has been furnished; and no employer shall after such certificate has been requested by any of the officers named in the preceding section, further employ such minor until the certificate has been furnished and not afterward if it shall appear from such certificate that the further employment is in violation of this act or of chapter 50 of the Public Statutes.

**Non compliance.** SEC. 6. An employer who shall fail to comply forthwith with the request of any officer, as provided in the second preceding section, so far as he is able, or who shall further employ a minor child in violation of the last preceding section, shall be subject to the penalties provided by section 1043 of the Public Statutes, as amended by this act.

**False statements.** SEC. 7. A parent, guardian or custodian of a minor child who shall make any false statement in any certificate required by the third preceding section shall be punished as provided in section 1043 of the Public Statutes as amended by this act.

SEC. 8. Section 1043 of the Public Statutes is hereby amended so as to read as follows:

**Violations.** SEC. 1043. A person who violates a provision of chapter 50 of the Public Statutes or of this act shall be fined not less than five dollars nor more than two hundred dollars for each offense, and upon a second conviction, may be so fined or imprisoned for not more than six months.

Approved January 28, 1911.

No. 97.—*Liability of employers for injuries to employees.*

SECTION 1. If personal injury is caused to an employee, who, at the time of the injury, is in the exercise of due care, by reason of: Injuries caused by—

First, a defect in the condition of the ways, works or machinery connected with or used in the business of the employer, which arose from, or had not been discovered or remedied in consequence of, the negligence of the employer or of a person in his service who had been entrusted by him with the duty of seeing that the ways, works or machinery were in proper condition; or, Defects;

Second, the negligence of a person in the service of the employer who was in charge or control of a signal, switch, locomotive engine or train upon a railroad: Acts of superintendents;

Third, the negligence of a person in the service of the employer who was in charge or control of a signal, switch, locomotive engine or train upon a railroad: Persons in charge of signals, etc.

The employee or his legal representatives, shall, subject to the provisions of the nine following sections, have the same rights to compensation and of action against the employer as if he had not been an employee, nor in the service, nor engaged in the work, of the employer. Rights of employees.

A car which is in use by, or which is in possession of, a railroad corporation shall be considered as a part of the ways, works or machinery of the corporation which uses or has it in possession, within the meaning of clause one of this section, whether it is owned by such corporation or by some other company or person. Cars.

One or more cars which are in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause three of this section, and whoever, as a part of his duty for the time being, physically controls or directs the movements of a signal, switch, locomotive engine or train shall be deemed to be a person in charge or control of a signal, switch, locomotive engine or train within the meaning of said clause. Trains.

SEC. 2. If the injury described in the preceding section results in the death of the employee, and such death is not instantaneous or is preceded by conscious suffering, and if there is any person who would have been entitled to bring an action under the provisions of the following section, the legal representatives of said employee may, in the action brought under the provisions of the preceding section, recover damages for the death in addition to those for the injury. Death.

SEC. 3. If, as the result of the negligence of an employer himself, or of a person for whose negligence an employer is liable under the provisions of section one, an employee is instantly killed, or dies without conscious suffering, his widow, or, if he leaves no widow, his next of kin, who, at the time of his death, were dependent upon his wages for support, shall have a right of action for damages against the employer. Action for damages.

SEC. 4. If an action is brought under the provisions of the preceding section by the widow of the employee, or by the next of kin, who may have such right of action, or if the action is brought under the provisions of section two by the legal representatives, such action shall not fail by reason of the fact that it should have been brought under the other section, but may be so amended as to provide against such failure at any time prior to final judgment. Suit under wrong provision.

SEC. 5. If, under the provisions of either section two or section three, damages are awarded for the death, they shall be assessed with reference to the degree of culpability of the employer or of the person for whose negligence the employer is liable. Measure of damages.

The amount of damages which may be awarded in an action under the provisions of section one for a personal injury to an employee, in which no damages for his death are awarded under the provisions of section two, shall not exceed four thousand dollars.

The amount of damages which may be awarded in such action, if damages for his death are awarded under the provisions of section two, shall not exceed five thousand dollars for both the injury and the death, and shall be apportioned by the jury between the legal representatives of the employee and the persons who would have been entitled, under the provisions of section three, to bring an action for his death, if it had been instantaneous or without conscious suffering.

The amount of damages which may be awarded in an action brought under the provisions of section three shall not be less than five hundred nor more than five thousand dollars.

Notice.

SEC. 6. No action for the recovery of damages for injury or death under the provisions of sections one to five, inclusive, shall be maintained unless notice of the time, place and cause of the injury is given to the employer within sixty days and the action is commenced within two years after the accident which caused the injury or death. Such notice shall be in writing, signed by the person injured, or by a person in his behalf; but if, from physical or mental incapacity, it is impossible for the person injured to give the notice within the time provided in this section, he may give it within thirty days after such incapacity has been removed, and, if he dies without having given the notice and without having been for thirty days at any time after his injury of sufficient capacity to give it, his executor or administrator may give such notice within sixty days after his appointment. A notice given under the provisions of this section shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place or cause of the injury, if it be shown that there was no intention to mislead, and that the employer was not in fact misled thereby.

Limitation.

If a notice given under this section is claimed by the employer to be insufficient for any reason, he shall so notify in writing the person giving it within thirty days, stating the insufficiency claimed to exist, and, thereupon, the person whose duty is to give the notice, may, within thirty days, give a new notice with the same effect as if originally given.

Employees of contractors.

SEC. 7. If an employer enters into a contract, written or verbal, with an independent contractor to do part of such employer's work, or, if such contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contractor's contract with the employer, such contract or subcontract shall not bar the liability of the employer for injuries to the employees of such contractor or subcontractor, caused by any defect in the condition of the ways, works, machinery or plant, if they are the property of the employer, or are furnished by him, and if such defect arose, or had not been discovered or remedied, through the negligence of the employer, or of some person entrusted by him with the duty of seeing that they were in proper condition.

Knowledge of defects.

SEC. 8. An employee or his legal representatives shall not be entitled under the provisions of sections one to five, inclusive, to any right of action for damages against his employer if such employee knew of the defect or negligence which caused the injury, and failed, within a reasonable time to give, or cause to be given, information thereof to the employer or to some person superior to himself in the service of the employer who was entrusted with any superintendence.

Common law rights.

SEC. 9. Nothing in this act shall be construed to abridge any common law rights or remedies which the employee may have against his employer, but a judgment recovered under the provisions of this act, or a settlement of any action commenced, or claim made, for death or injury, under the provisions of this act, shall be a bar to any claim made or action begun to recover for the same injury or the same death, under the provisions of the common law or under the provisions of any other statute.

Inspection of place of accident.

SEC. 10. Any superior judge may, upon petition setting forth in ordinary language that the servant or employee of a certain firm, person, corporation or association has been injured in the

course of his employment through some defect in the ways, works or machinery owned or used by the employer, and that it is necessary, in order to protect the interests of the injured person, that an examination should be made of the ways, works or machinery through a defect in which the injury occurred, and after such notice to the employer as any such judge may direct or approve, and a hearing, grant an order directing the employer or person in control of such ways, works or machinery to permit the person named in said order to make such examination under such conditions as shall be set forth in the order.

SEC. 11. The provisions of this act shall not apply to injuries caused to domestic servants or farm laborers by fellow employees or to those engaged in cutting, hauling or driving logs.

Exemptions.

Approved January 28, 1911.

**No. 143.—Wages as preferred claims—Employees of corporations.**

SECTION 9. The liability of any corporation organized under the provisions of chapter 187 of the Public Statutes to laborers for any unpaid wages earned and accruing for the three months next prior to the filing of any mortgage or other lien upon the property and franchises of such corporation shall in all cases be a first lien thereon, notwithstanding any mortgage or other lien thereon recorded after such wages have accrued.

Wages a lien.

Approved January 28, 1911.

**No. 149.—Railroads—Inspection of boilers of locomotives.**

SECTION 1. The public service commission may make and revise regulations for testing boilers of locomotives used by railroad corporations, by other corporations, and by persons, firms or associations upon any railroad or railway within the State, and every person, firm, association and corporation other than a railroad corporation so using a locomotive shall inform said commission in writing on or before June thirtieth of each year of the number of locomotives so used by him or it, together with the length of track of such railroad or railway, its location and uses, and such other information as the commission may require. Tests under regulations made as aforesaid shall, if possible, be made by the master mechanic of the corporation, association, person or firm which constructs, repairs or uses the boiler of the locomotive, and the report of such tests shall be in form satisfactory to the commission. A corporation, association, firm or person using a locomotive in this State the boiler of which has not been tested in accordance with the provisions of this section shall be punished by a fine of twenty dollars for every day after notice by the board during which such use continues.

Commission may draft rules.

Who to make make tests.

Approved January 17, 1911.

**AMENDMENTS TO THE CONSTITUTION.**

(Page 537.)

**PROPOSAL 9.—Compensation for injuries to employees.**

A new amendment [shall] be added to the constitution, to be known as article 32, as follows:

Article 32. The general assembly may pass laws compelling compensation for injuries received by employees in the course of their employment resulting in death or bodily hurt, for the benefit of such employees, their widows or next of kin. It may designate the class or classes of employers and employees to which such laws shall apply.

Compensation statute.

[This amendment passed both houses, but must again pass them and be submitted to vote of the people before it is adopted.]

## WASHINGTON.

## ACTS OF 1911.

CHAPTER 37.—*Employment of women—Hours of labor—Seats.*

- Eight-hour day.** SECTION 1. No female shall be employed in any mechanical or mercantile establishment, laundry, hotel or restaurant in this State more than eight hours during any day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than eight hours during the twenty-four: *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 or vegetable, nor to females employed in canning fish or shellfish. If it shall be adjudicated that the foregoing proviso and exception shall be unconstitutional and invalid for any reason, an adjudication of invalidity of said proviso or of any part of this act shall not affect the validity of the act as a whole or any other part thereof.
- Exemptions.**
- Seats.** SEC. 2. Every employer in establishments where females are employed shall provide suitable seats for them and shall permit the use of such seats by them when they are not engaged in the active duties for which they are employed, and every such employer shall keep posted in an open and conspicuous place in each room where such females are at work a copy of this act printed in such form and style as may be prescribed by the commissioner of labor.
- Violations.** SEC. 3. Any employer, overseer, superintendent or other agent of any such employer who shall violate any of the provisions of this act, shall, upon conviction thereof be fined for each offense in a sum not less than ten dollars nor more than one hundred dollars.

Approved by the governor March 9, 1911.

CHAPTER 49.—*Accident insurance.*

- Provisions required.** SEC. 187. No policy of insurance against loss or damage from disease or by bodily injury by accident, or both, of the assured, shall be issued or delivered in this State \* \* \* unless it contains in substance the following provisions:
- \* \* \* \* \*
- Change of occupation.** (5) A provision that if the insured is injured or contracts disease after having changed his occupation to one classified by the company as more hazardous than that stated in the policy, or while he is doing any act pertaining to any occupation so classified, the company shall pay such proportion of the indemnities provided in the policy as the premium paid would have purchased at the rate, but within the limits fixed by the company, for such more hazardous occupation according to the company's rates and classification of risks filed with the commissioner in this State at, or prior to the date of issuance of the policy under which indemnity is claimed.
- Blanket policies.** SEC. 189. Nothing in this act shall affect any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, copartnership, association, or individual employer, police or fire department, underwriters' corps, salvage bureau, or like associations or organizations, when the officers, members, or employees or classes or departments thereof are insured against specified accidental bodily injuries or diseases while exposed to the hazards of the occupation or otherwise, for a premium intended to cover the risks of all persons insured under such policy; \* \* \*

Approved by the governor March 10, 1911.

CHAPTER 63.—*Inspector of coal mines.*

SECTION 1. Section 1 of chapter 77 of the Laws of 1907 [shall] be amended to read as follows:

Section 1. The governor shall, upon the recommendation of a board to be by him selected and appointed for the purpose of examining candidates to be appointed to the office of mine inspector under the provisions of this act, appoint a properly qualified person to fill the office of state mine inspector. The State mine inspector so appointed shall, with the consent of the governor, appoint a deputy inspector. The inspector and his deputy shall be citizens of the State of Washington, and shall have had at least five years practical experience in coal mining. They shall devote their entire time to the duties of their respective offices, and shall possess other qualifications at present defined by the laws of the State of Washington and not inconsistent with the provisions of this act. The State mine inspector and his deputy shall before entering upon the discharge of their duties each take an oath to discharge their duties impartially and with fidelity to the best of their knowledge and ability. The salary of the State mine inspector shall be twenty-four hundred dollars per annum, and the salary of the deputy inspector shall be eighteen hundred dollars per annum, and both the inspector and his deputy shall be allowed their actual and necessary traveling expenses while in the performance of their duties under the provisions of this act; and the auditor of the State is hereby authorized and directed to draw his warrant on the State treasurer in favor of the inspector or his deputy for the amount due them for their salaries monthly, and also for their expenses upon proper vouchers to be paid out of any moneys in the State treasury not otherwise appropriated. The State mine inspector shall hold his office for the term of four years, and his deputy shall hold office during the pleasure of the inspector. The inspector shall at all times be subject to removal from office by the governor for neglect of duty or malfeasance in the discharge of his duties. The board herein provided for shall consist of one practical coal miner, one owner or operator of a coal mine and one mining engineer, all of whom shall be sworn to the faithful discharge of their duties. The governor shall consult with such board before appointing the mine inspector herein provided for.

Approved by the governor March 13, 1911.

CHAPTER 65.—*Mine regulations—Powder.*

SECTION 1. Each person, firm or corporation engaged in coal mining, requiring the use of powder or other explosives, shall provide (subject to the approval of the State mine inspector), at or near the entrance of each coal mine operated, at some suitable place near such work, a suitable distributing magazine for the storage of such powder or other explosives. There shall be posted upon such magazine a notice, printed in letters not less than three inches in height, that such magazine contains explosives. No person shall store or keep in any magazine mentioned in this section any powder or other explosives in excess of one ton. In the case of coal mines such powder or other explosive shall be issued daily in quantities not to exceed the average used by each workman in one day, in proper receptacles. Any person or corporation violating or failing to comply with the provisions of this section shall be guilty of a gross misdemeanor.

Approved by the governor March 13, 1911.

CHAPTER 74.—*Workmen's insurance—Industrial insurance department.*

SECTION 1. The common-law system governing the remedy of workmen against employers for injuries received in hazardous work is inconsistent with modern industrial conditions. In prac-

tice it proves to be economically unwise and unfair. Its administration has produced the result that little of the cost of the employer has reached the workman and that little only at large expense to the public. The remedy of the workman has been uncertain, slow and inadequate. Injuries in such works, formerly occasional, have become frequent and inevitable. The welfare of the State depends upon its industries, and even more upon the welfare of its wageworker. The State of Washington, therefore, exercising herein its police and sovereign power, declares that all phases of the premises are withdrawn from private controversy, and sure and certain relief for workmen, injured in extra hazardous work, and their families and dependents is hereby provided regardless of questions of fault and to the exclusion of every other remedy, proceeding or compensation, except as otherwise provided in this act; and to that end all civil actions and civil causes of action for such personal injuries and all jurisdiction of the courts of the State over such causes are hereby abolished, except as in this act provided.

Suits abolished.

Extra hazardous employments.

SEC. 2. There is a hazard in all employment, but certain employments have come to be, and to be recognized as being inherently constantly dangerous. This act is intended to apply to all such inherently hazardous works and occupations, and it is the purpose to embrace all of them, which are within the legislative jurisdiction of the State, in the following enumeration, and they are intended to be embraced within the term "extra hazardous" wherever used in this act, to-wit:

Factories, mills and workshops where machinery is used; printing, electrotyping, photo-engraving and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gas works, waterworks, reduction works, breweries, elevators, wharves, docks, dredges, smelters, powder works; laundries operated by power; quarries; engineering works; logging, lumbering and shipbuilding operations; logging, street and interurban railroads; buildings being constructed, repaired, moved or demolished; telegraph, telephone, electric light or power plants or lines, steam heating or power plants, steamboats, tugs, ferries and railroads. If there be or arise any extra hazardous occupation or work other than those hereinabove enumerated, it shall come under this act, and its rate of contribution to the accident fund hereinafter established, shall be, until fixed by legislation, determined by the department hereinafter created, upon the basis of the relation which the risk involved bears to the risks classified in section 4.

Definitions.

SEC. 3. In the sense of this act words employed mean as here stated, to wit:

Factories mean undertakings in which the business of working at commodities is carried on with power-driven machinery, either in manufacture, repair or change, and shall include the premises, yard and plant of the concern.

Workshop means any plant, yard, premises, room or place wherein power-driven machinery is employed and manual labor is exercised by way of trade for gain or otherwise in or incidental to the process of making, altering, repairing, printing or ornamenting, finishing or adapting for sale or otherwise any article or part of article, machine or thing, over which premises, room or place the employer of the person working therein has the right of access or control.

Mill means any plant, premises, room or place where machinery is used, any process of machinery, changing, altering or repairing any article or commodity for sale or otherwise, together with the yards and premises which are a part of the plant, including elevators, warehouses and bunkers.

Mine means any mine where coal, clay, ore, mineral, gypsum or rock is dug or mined underground.

Quarry means an open cut from which coal is mined, or clay, ore, mineral, gypsum, sand, gravel or rock is cut or taken for manufacturing, building or construction.

Engineering work means any work of construction, improvement or alteration or repair of buildings, structures, streets, highways, sewers, street railways, railroads, logging roads, interurban railroads, harbors, docks, canals; electric, steam or water power plants; telegraph and telephone plants and lines; electric light or power lines, and includes any other works for the construction, alteration or repair of which machinery driven by mechanical power is used.

Except when otherwise expressly stated, employer means any person, body of persons, corporate or otherwise, and the legal personal representatives of a deceased employer, all while engaged in this State in any extra hazardous work.

Workman means every person in this State, who, after September 30, 1911, is engaged in the employment of an employer carrying on or conducting any of the industries scheduled or classified in section 4, whether by way of manual labor or otherwise, and whether upon the premises or at the plant or, he being in the course of his employment, away from the plant of his employer: *Provided, however,* That if the injury to a workman occurring away from the plant of his employer is due to the negligence or wrong of another not in the same employ, the injured workman, or if death result from the injury, his widow, children, or dependents, as the case may be, shall elect whether to take under this act or seek a remedy against such other, such election to be in advance of any suit under this section; and if he take under this act, the cause of action against such other shall be assigned to the State for the benefit of the accident fund; if the other choice is made, the accident fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated by this act for such case. Any such cause of action assigned to the State may be prosecuted, or compromised by the department, in its discretion. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund, may be made only with the written approval of the department.

Any individual employer or any member or officer of any corporate employer who shall be carried upon the pay roll at a salary or wage not less than the average salary or wage named in such pay roll and who shall be injured, shall be entitled to the benefit of this act as and under the same circumstances as and subject to the same obligations as a workman.

Dependent means any of the following-named relatives of a workman whose death results from any injury and who leaves surviving no widow, widower, or child under the age of sixteen years, viz: invalid child over the age of sixteen years, daughter, between sixteen and eighteen years of age, father, mother, grandfather, grandmother, step-father, step-mother, grandson, granddaughter, step-son, step-daughter, brother, sister, half-sister, half-brother, niece, nephew, who, at the time of the accident, are dependent, in whole or in part, for their support upon the earnings of the workman. Except where otherwise provided by treaty, aliens, other than father or mother, not residing within the United States at the time of the accident, are not included.

Beneficiary means a husband, wife, child or dependent of a workman, in whom shall vest a right to receive payment under this act.

Invalid means one who is physically or mentally incapacitated from earning.

The word "child," as used in this act, includes a posthumous child, a child legally adopted prior to the injury, and an illegitimate child legitimated prior to the injury.

The words injury or injured, as used in this act, refer only to an injury resulting from some fortuitous event as distinguished from the contraction of disease.

SEC. 4. Inasmuch as industry should bear the greater portion of the burden of the cost of its accidents, each employer shall, prior to the rate of premium rates, Schedule of

to January 15th of each year, pay into the State treasury, in accordance with the following schedule, a sum equal to a percentage of his total pay roll for that year, to wit: (the same being deemed the most accurate method of equitable distribution of burden in proportion to relative hazard):

## CONSTRUCTION WORK.

Tunnels; bridges; trestles; subaqueous works; ditches and canals (other than irrigation without blasting); dock excavation; fire escapes; sewers; house moving; house wrecking	.065
Iron, or steel frame structures or parts of structures	.030
Electric light of power plants or systems; telegraph or telephone systems; pile driving; steam railroads	.050
Steeples, towers or grain elevators, not metal framed; dry-docks without excavations; jetties; breakwaters; chimneys; marine railways; waterworks or systems; electric railways with rock work or blasting; blasting; erecting fireproof doors or shutters	.050
Steam heating plants; tanks, water towers or windmills, not metal frames	.040
Shaft sinking	.060
Concrete buildings; freight or passenger elevators; fire-proofing of buildings; galvanized iron or tin works; gas works, or systems; marble, stone or brick work; road making with blasting; roof work; safe moving; slate work; outside plumbing work; metal smokestacks or chimneys	.050
Excavations not otherwise specified; blast furnaces	.040
Street or other grading; cable or electric street railways without blasting; advertising signs; ornamental metal work in buildings	.035
Ship or boat building or wrecking with scaffolds; floating docks	.045
Carpenter work not otherwise specified	.035
Installation of steam boilers or engines; placing wire in conduits; installing dynamos; putting up belts for machinery; marble, stone or tile setting, inside work; mantle setting; metal ceiling work; mill or ship wrighting; painting of buildings or structures; installation of automatic sprinklers; ship or boat rigging; concrete laying in floors, foundations of street paving; asphalt laying; covering steam pipes or boilers; installation of machinery not otherwise specified	.030
Drilling wells; installing electrical apparatus or fire alarm systems in buildings; house heating or ventilating systems; glass setting; building hot houses; lathing; paper hanging; plastering; inside plumbing; wooden stair building; road making	.020

## OPERATION (INCLUDING REPAIR WORK) OF

(All combinations of material take the higher rate when not otherwise provided).

Logging railroads; railroads; dredges; interurban electric railroads using third rail system; dry or floating docks	.050
Electric light or power plants; interurban electric railroads not using third-rail system; quarries	.040
Street railways, all employees; telegraph or telephone systems; stone crushing; blasting furnaces; smelters; coal mines; gas works; steamboats; tugs; ferries	.030
Mines, other than coal; steam heating or power plants	.025
Grain elevators; laundries; waterworks; paper or pulp mills; garbage works	.020

FACTORIES USING POWER-DRIVEN MACHINERY.

Stamping tin or metal..... .045

Bridge work; railroad car or locomotive making or repairing; cooperage; logging with or without machinery; sawmills; shingle mills; staves; veneer; box; lath; packing cases; sash, door or blinds; barrel; keg; pail; basket; tub; woodenware or wooden-fibre ware; rolling mills; making steam shovels or dredges; tanks; water towers; asphalt; building material not otherwise specified; fertilizer; cement; stone with or without machinery; kindling wood; masts and spars with or without machinery; canneries, metal stamping extra; creosoting works; pile treating works..... .025

Excelsior; iron, steel, copper, zinc, brass or lead articles or wares not otherwise specified; working in wood not otherwise specified; hardware; tile; brick; terra cotta; fire clay; pottery; earthenware; porcelain ware; peat fuel; brickettes..... .020

Breweries; bottling works; boiler works; foundries; machine shops not otherwise specified..... .020

Cordage; working in foodstuffs, including oils, fruits and vegetables; working in wool, cloth, leather, paper, broom, brush, rubber or textiles not otherwise specified..... .015

Making jewelry, soap, tallow, lard, grease, condensed milk..... .015

Creameries; printing; electrotyping; photo-engraving; engraving; lithographing..... .015

MISCELLANEOUS WORK.

Stevedoring; longshoring..... .030

Operating stock yards, with or without railroad entry; packing houses..... .025

Wharf operation; artificial ice, refrigerating or cold storage plants; tanneries; electric systems not otherwise specified..... .020

Theater stage employes..... .015

Fire works manufacturing..... .050

Powder works..... .100

The application of this act as between employers and workmen shall date from and include the first day of October, 1911. The payment for 1911 shall be made prior to the day last named, and shall be preliminarily collected upon the pay roll of the last preceding three months of operation. At the end of each year an adjustment of accounts shall be made upon the basis of the actual pay roll. Any shortage shall be made good on or before February 1st, following. Every employer who shall enter into business at any intermediate day shall make his payment for the initial year or portion thereof before commencing operation; its amount shall be calculated upon his estimated pay roll, an adjustment shall be made on or before February 1st of the following year in the manner above provided. Act in effect, when.

For the purpose of such payments accounts shall be kept with each industry in accordance with the classification herein provided and no class shall be liable for the depletion of the accident fund from accidents happening in any other class. Each class shall meet and be liable for the accidents occurring in such class. There shall be collected from each class as an initial payment into the accident fund as above specified on or before the 1st day of October, 1911, one-fourth of the premium of the next succeeding year, and one-twelfth thereof at the close of each month after December, 1911: *Provided*, Any class having sufficient funds credited to its account at the end of the first three months or any month thereafter, to meet the requirements of the accident fund, that class shall not be called upon for such month. In case of accidents occurring in such class after lapsed Industry accounts.

payment or payments said class shall pay the said lapsed or deferred payments commencing at the first lapsed payment, as may be necessary to meet such requirements of the accident fund.

**Accident fund.** The fund thereby created shall be termed the "accident fund" which shall be devoted exclusively to the purpose specified for it in this act.

In that the intent is that the fund created under this section shall ultimately become neither more [n]or less than self-supporting, exclusive of the expense of administration, the rates in this section named are subject to future adjustment by the legislature, and the classifications to rearrangement following any relative increase or decrease of hazard shown by experience.

**No deductions from wages.** It shall be unlawful for the employer to deduct or obtain any part of the premium required by this section to be by him paid from the wages or earnings of his workmen or any of them, and the making or attempt to make any such deduction shall be a gross misdemeanor. If, after this act has come into operation, it is shown by experience under the act, because of poor or careless management, any establishment or work is unduly dangerous in comparison with other like establishments or works, the department may advance its classification of risks and premium rates in proportion to the undue hazard. In accordance with the same principle, any such increase in classification or premium rate, shall be subject to restoration to the schedule rate. Any such change in classification of risks or premium rates, or any change caused by change in the class of work, occurring during the year shall, at the time of the annual adjustment, be adjusted by the department in proportion to its duration in accordance with the schedule of this section. If, at the end of any year, it shall be seen that the contribution to the accident fund by any class of industry shall be less than the drain upon the fund on account of that class, the deficiency shall be made good to the fund on the 1st day of February of the following year by the employers of that class in proportion to their respective payments for the past year.

For the purposes of such payment and making good of deficit the particular classes of industry shall be as follows:

#### CONSTRUCTION WORK.

**Classes of industries.**

Class 1. Tunnels; sewer; shaft sinking; drilling wells.

Class 2. Bridges; millwrighting; trestles; steeples, towers or grain elevators not metal framed; tanks, water towers, wind-mills not metal framed.

Class 3. Subaqueous works; canal other than irrigation or docks with or without blasting; pile driving; jetties; breakwaters; marine railways.

Class 4. House moving; house wrecking; safe moving.

Class 5. Iron or steel frame structures or parts of structures; fire escapes; erecting fireproof doors or shutters; blast furnaces; concrete chimneys; freight or passenger elevators; fire proofing of buildings; galvanized iron or tin work; marble, stone or brick work; roof work; slate work; plumbing work; metal smoke stack or chimneys; advertising signs; ornamental metal work in buildings; carpenter work not otherwise specified; marble, stone or tile setting; mantle setting; metal ceiling work; painting of buildings or structures; concrete laying in floors or foundations; glass setting; building hot houses; lathing; paper hanging; plastering; wooden stair building.

Class 6. Electric light and power plants or system; telegraph or telephone systems; cable or electric railways with or without rock work or blasting; waterworks or systems; steam heating plants; gas works or systems; installation of steam boilers or engines; placing wires in conduits; installing dynamos; putting up belts for machinery; installation of automatic sprinklers; covering steam pipes or boilers; installation of machinery not otherwise

specified; installing electrical apparatus or fire alarm systems in buildings; house heating or ventilating systems.

Class 7. Steam railroads; logging railroads.

Class 8. Road making; street or other grading; concrete laying in street paving; asphalt laying.

Class 9. Ship or boat building with scaffolds; shipwrighting; ship or boat rigging; floating docks.

#### OPERATION (INCLUDING REPAIR WORK) OF

Class 10. Logging; sawmills; shingle mills; lath mills; masts and spars with or without machinery.

Class 12. Dredges; dry or floating docks.

Class 13. Electric light or power plants or systems; steam heat or power plants or systems; electric systems not otherwise specified.

Class 14. Street railways.

Class 15. Telegraph systems; telephone systems.

Class 16. Coal mines.

Class 17. Quarries; stone crushing; mines other than coal.

Class 18. Blast furnaces; smelters; rolling mills.

Class 19. Gas works.

Class 20. Steamboats; tugs; ferries.

Class 21. Grain elevators.

Class 22. Laundries.

Class 23. Waterworks.

Class 24. Paper or pulp mills.

Class 25. Garbage works; fertilizer.

#### FACTORIES (USING POWER-DRIVEN MACHINERY).

Class 26. Stamping tin or metal.

Class 27. Bridge work; making steam shovels or dredges; tanks; water towers.

Class 28. Railroad car or locomotive making or repairing.

Class 29. Cooperage; staves; veneer; box; packing cases; sash[,] door or blinds; barrel; keg; pail; basket; tub; wood ware or wood fiber ware; kindling wood; excelsior; working in wood not otherwise specified.

Class 30. Asphalt.

Class 31. Cement; stone with or without machinery; building material not otherwise specified.

Class 32. Canneries of fruits or vegetables.

Class 33. Canneries of fish or meat products.

Class 34. Iron, steel, copper, zinc, brass or lead articles or wares; hardware; boiler works; foundries; machine shops not otherwise specified.

Class 35. Tile; brick; terra cotta; fire clay; pottery; earthenware; porcelain ware.

Class 36. Peat fuel; brickettes.

Class 37. Breweries; bottling works.

Class 38. Cordage; working in wool, cloth, leather, paper, brush, rubber or textile not otherwise specified.

Class 39. Working in foodstuffs, including oils, fruits, vegetables.

Class 40. Condensed milk; creameries.

Class 41. Printing; electrotyping; photo-engraving; engraving; lithographing; making jewelry.

Class 42. Stevedoring; longshoring; wharf operation.

Class 43. Stockyards; packing houses; making soap, tallow, lard, grease; tanneries.

Class 44. Artificial ice, refrigerating or cold-storage plants.

Class 45. Theater stage employees.

Class 46. Fireworks manufacturing; powder works.

Class 47. Creosoting works; pile treating works.

Classes in same establishment.

If a single establishment or work comprises several occupations listed in this section in different risk classes, the premium shall be computed according to the pay roll of each occupation if clearly separable; otherwise an average rate of premium shall be charged for the entire establishment, taking into consideration the number of employees and the relative hazards. If an employer besides employing workmen in extra hazardous employment shall also employ workmen in employments not extra hazardous the provisions of this act shall apply only to the extra hazardous departments and employments and the workmen employed therein. In computing the pay roll the entire compensation received by every workman employed in extra hazardous employment shall be included, whether it be in the form of salary, wage, piecework, overtime, or any allowance in the way of profit sharing, premium or otherwise, and whether payable in money, board, or otherwise.

Compensation.

SEC. 5. Each workman who shall be injured whether upon the premises or at the plant or, he being in the course of his employment, away from the plant of his employer, or his family or dependents in case of death of the workman, shall receive out of the accident fund compensation in accordance with the following schedule, and, except as in this act otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever.

#### COMPENSATION SCHEDULE.

Death.

(a) Where death results from the injury the expenses of burial shall be paid in all cases, not to exceed \$75 in any case, and

(1) If the workman leaves a widow or invalid widower, a monthly payment of \$20 shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage shall occur; and the surviving spouse shall also receive \$5 per month for each child of the deceased under the age of sixteen years at time of the occurrence of the injury until such minor child shall reach the age of sixteen years, but the total monthly payment under this paragraph (1) of subdivision (a) shall not exceed \$35. Upon remarriage of a widow she shall receive, once and for all, a lump sum equal to twelve times her monthly allowance, viz.: the sum of \$240, but the monthly payment for the child or children shall continue as before.

(2) If the workman leaves no wife or husband, but a child or children under the age of sixteen years, a monthly payment of \$10 shall be made to each such child until such child shall reach the age of sixteen years, but the total monthly payment shall not exceed \$35, and any deficit shall be deducted proportionately among the beneficiaries.

(3) If the workman leaves no widow, widower, or child under the age of sixteen years, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty per cent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed \$20 per month. If any dependent is under the age of sixteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent shall reach the age of sixteen years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

If the workman is under the age of twenty-one years and unmarried at the time of his death, the parents or parent of the workman shall receive \$20 per month for each month after his death until the time at which he would have arrived at the age of twenty-one years.

(4) In the event a surviving spouse receiving monthly payments shall die, leaving a child or children under the age of sixteen years, the sum he or she shall be receiving on account of such

child or children shall be thereafter, until such child shall arrive at the age of sixteen years, paid to the child increased 100 per cent, but the total to all children shall not exceed the sum of thirty-five dollars per month.

(b) Permanent total disability means the loss of both legs and both arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the workman from performing any work at any gainful occupation. Total disability.

When permanent total disability results from the injury the workman shall receive monthly during the period of such disability:

(1) If unmarried at the time of the injury, the sum of \$20.

(2) If the workman have a wife or invalid husband, but no child under the age of sixteen years, the sum of \$25. If the husband is not an invalid, the monthly payment of \$25 shall be reduced to \$15.

(3) If the workman have a wife or husband and a child or children under the age of sixteen years, or, being a widow or widower, have any such child or children, the monthly payment provided in the preceding paragraph shall be increased by five dollars for each such child until such child shall arrive at the age of sixteen years, but the total monthly payment shall not exceed thirty-five dollars.

(c) If the injured workman die during the period of total disability, whatever the cause of death, leaving a widow, invalid widower or child under the age of sixteen years, the surviving widow or invalid widower shall receive twenty dollars per month until death or remarriage, to be increased five dollars per month for each child under the age of sixteen years until such child shall arrive at the age of sixteen years; but if such child is or shall be without father or mother, such child shall receive ten dollars per month until arriving at the age of sixteen years. The total combined monthly payment under this paragraph shall in no case exceed thirty-five dollars. Upon remarriage the payments on account of a child or children shall continue as before to the child or children.

(d) When the total disability is only temporary, the schedule of payment contained in paragraphs (1), (2) and (3) of the foregoing subdivision (d) shall apply so long as the total disability shall continue, increased 50 per cent for the first six months of such continuance, but in no case shall the increase operate to make the monthly payment exceed sixty per cent of the monthly wage (the daily wage multiplied by twenty-six) the workman was receiving at the time of his injury. As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury the payments shall cease. If and so long as the present earning power is only partially restored the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed five per cent.

(e) For every case of injury resulting in death or permanent total disability it shall be the duty of the department to forthwith notify the State treasurer, and he shall set apart out of the accident fund a sum of money for the case, to be known as the estimated lump value of the monthly payments provided for it, to be calculated upon the theory that a monthly payment of twenty dollars, to a person thirty years of age, is equal to a lump sum payment, according to the expectancy of life as fixed by the American Mortality Table, of four thousand dollars, but the total in no case to exceed the sum of four thousand dollars. The State treasurer shall invest said sum at interest in the class of securities provided by law for the investment of the permanent school fund, and out of the same and its earnings shall be paid the monthly installments and any lump sum payment then or thereafter arranged for the case. Any deficiency shall be made good out of, and any balance or overplus shall revert to the accident fund. Capital values set aside. The State treasurer

shall keep accurate account of all such segregations of the accident fund, and may borrow from the main fund to meet monthly payments pending conversion into cash of any security, and in such case shall repay such temporary loan out of the cash realized from the security.

Partial disability.

(f) Permanent partial disability means the loss of either one foot, one leg, one hand, one arm, one eye, one or more fingers, one or more toes, any dislocation where ligaments are severed, or any other injury known in surgery to be permanent partial disability. For any permanent partial disability resulting from an injury, the workman shall receive compensation in a lump sum in an amount equal to the extent of the injury, to be decided in the first instance by the department, but not in any case to exceed the sum of \$1,500. The loss of one major arm at or above the elbow shall be deemed the maximum permanent partial disability. Compensation for any other permanent partial disability shall be in the proportion which the extent of such disability shall bear to the said maximum. If the injured workman be under the age of twenty-one years and unmarried, the parents or parent shall also receive a lump sum payment equal to ten per cent of the amount awarded the minor workman.

(g) Should a further accident occur to a workman already receiving a monthly payment under this section for a temporary disability, or who has been previously the recipient of a lump-sum payment under this act, his future compensation shall be adjusted according to the other provisions of this section and with regard to the combined effect of his injuries, and his past receipt of money under this act.

Readjustments.

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

Spouse living separate.

(i) A husband or wife of an injured workman, living in a state of abandonment for more than one year at the time of the injury or subsequently, shall not be a beneficiary under this act.

Removal from State.

(j) If a beneficiary shall reside or remove out of the State the department may, in its discretion, convert any monthly payments provided for such case into a lump-sum payment (not in any case to exceed \$4,000) upon the theory, according to the expectancy of life as fixed by the American Mortality Table, that a monthly payment of \$20 to a person thirty years of age is worth \$4,000, or, with the consent of the beneficiary, for a smaller sum.

Reviews.

(k) Any court review under this section shall be initiated in the county where the workman resides or resided at the time of the injury, or in which the injury occurred.

Intentional injuries.

SEC. 6. If injury or death results to a workman from the deliberate intention of the workman himself to produce such injury or death, neither the workman nor the widow, widower, child or dependent of the workman shall receive any payment whatsoever out of the accident fund. If injury or death results to a workman from the deliberate intention of his employer to produce such injury or death, the workman, the widow, widower, child or dependent of the workman shall have the privilege to take under this act and also have cause of action against the employer, as if this act had not been enacted, for any excess of damage over the amount received or receivable under this act.

Minors.

A minor working at an age legally permitted under the laws of this State shall be deemed sui juris for the purpose of this act, and no other person shall have any cause of action or right to compensation for an injury to such minor workman except as expressly provided in this act, but in the event of a lump-sum payment becoming due under this act to such minor workman, the management of the sum shall be within the probate jurisdiction of the courts the same as other property of minors.

Sec. 7. In case of death or permanent total disability the monthly payment provided may be converted, in whole or in part, into a lump-sum payment (not in any case to exceed \$4,000), on the theory, according to the expectancy of life as fixed by the American Mortality Table, that a monthly payment of \$20 to a person thirty years of age is worth the sum of \$4,000, in which event the monthly payment shall cease in whole or in part accordingly or proportionately. Such conversion may only be made after the happening of the injury and upon the written application of the beneficiary (in case of minor children, the application may be by either parent) to the department, and shall rest in the discretion of the department. Within the rule aforesaid the amount and value of the lump-sum payment may be agreed upon between the department and the beneficiary.

Lump-sum payments.

Sec. 8. If any employer shall default in any payment to the accident fund hereinbefore in this act required, the sum due shall be collected by action at law in the name of the State as plaintiff, and such right of action shall be in addition to any other right of action or remedy. In respect to any injury happening to any of his workmen during the period of any default in the payment of any premium under section 4, the defaulting employer shall not, if such default be after demand for payment, be entitled to the benefits of this act, but shall be liable to suit by the injured workman (or the husband, wife, child or dependent of such workman in case death result from the accident), as he would have been prior to the passage of this act.

Default in payment of premiums.

In case the recovery actually collected in such suit shall equal or exceed the compensation to which the plaintiff therein would be entitled under this act, the plaintiff shall not be paid anything out of the accident fund; if the said amount shall be less than such compensation under this act, the accident fund shall contribute the amount of the deficiency. The person so entitled under the provisions of this section to sue shall have the choice (to be exercised before suit) of proceeding by suit or taking under this act. If such person shall take under this act, the cause of action against the employer shall be assigned to the State for the benefit of the accident fund. In any suit brought upon such cause of action the defense of fellow servant and assumption of risk shall be inadmissible, and the doctrine of comparative negligence shall obtain. Any such cause of action assigned to the State may be prosecuted or compromised by the department in its discretion. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund, may be made only with the written approval of the department.

Sec. 9. If any workman shall be injured because of the absence of any safeguard or protection required to be provided or maintained by, or pursuant to, any statute or ordinance, or any departmental regulation under any statute, or be, at the time of the injury, of less than the maximum age prescribed by law for the employment of a minor in the occupation in which he shall be engaged when injured, the employer shall, within ten days after demand therefor by the department, pay into the accident fund, in addition to the same required by section 4 to be paid:

Compensation where statute is violated.

(a) In case the consequent payment to the workman out of the accident fund be a lump sum, a sum equal to 50 per cent of that amount.

(b) In case the consequent payment to the workman be payable in monthly payments, a sum equal to 50 per cent of the lump value of such monthly payment, estimated in accordance with the rule stated in section 7.

The foregoing provisions of this act shall not apply to the employer if the absence of such guard or protection be due to the removal thereof by the injured workman himself or with his knowledge by any of his fellow workmen, unless such removal be by order or direction of the employer or superintendent or foreman of the employer, or any one placed by the employer in control or direction of such workman. If the removal of such guard or

protection be by the workman himself or with his consent by any of his fellow workmen, unless done by order or direction of the employer or the superintendent or foreman of the employer, or any one placed by the employer in control, or direction of such workman, the schedule of compensation provided in section 5 shall be reduced 10 per cent for the individual case of such workman.

Payments exempt.

SEC. 10. No money paid or payable under this act out of the accident fund shall, prior to issuance and delivery of the warrant therefor, be capable of being assigned, charged, nor ever be taken in execution or attached or garnished, nor shall the same pass to any other person by operation of law. Any such assignment or charge shall be void.

Waivers.

SEC. 11. No employer or workman shall exempt himself from the burden or waive the benefits of this act by any contract, agreement, rule or regulation, and any such contract, agreement, rule or regulation shall be pro tanto void.

Applications.

SEC. 12. (a) Where a workman is entitled to compensation under this act he shall file with the department, his application for such, together with the certificate of the physician who attended him, and it shall be the duty of the physician to inform the injured workman of his rights under this act and to lend all necessary assistance in making this application for compensation and such proof or other matters as required by the rules of the department without charge to the workman. ~

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

(c) If change of circumstance warrants an increase or rearrangement of compensation, like application shall be made therefor. No increase or rearrangement shall be operative for any period prior to application therefor.

(d) No application shall be valid or claim thereunder enforceable unless filed within one year after the day upon which the injury occurred or the right thereto accrued.

Medical examinations.

SEC. 13. Any workman entitled to receive compensation under this act is required, if requested by the department, to submit himself for medical examination at a time and from time to time at a place reasonably convenient for the workman and as may be provided by the rules of the department. If the workman refuses to submit to any such examination, or obstructs the same, his rights to monthly payments shall be suspended until such examination has taken place, and no compensation shall be payable during or for account of such period.

Report of accidents.

SEC. 14. Whenever any accident occurs to any workman it shall be the duty of the employer to at once report such accident and the injury resulting therefrom to the department, and also to any local representative of the department. Such report shall state:

1. The time, cause and nature of the accident and injuries, and the probable duration of the injury resulting therefrom.

2. Whether the accident arose out of or in the course of the injured person's employment.

3. Any other matters the rules and regulations of the department may prescribe.

Inspection of books, etc.

SEC. 15. The books, records and pay rolls of the employer pertinent to the administration of this act shall always be open to inspection by the department or its traveling auditor, agent or assistant, for the purpose of ascertaining the correctness of the pay roll, the men employed, and such other information as may be necessary for the department and its management under this act. Refusal on the part of the employer to submit said books, records and pay rolls for such inspection to any member of the commission, or any assistant presenting written authority from the

commission, shall subject the offending employer to a penalty of one hundred dollars for each offense, to be collected by civil action in the name of the State and paid into the accident fund, and the individual who shall personally give such refusal shall be guilty of a misdemeanor.

SEC. 16. Any employer who shall misrepresent to the department the amount of pay roll upon which the premium under this act is based shall be liable to the State in ten times the amount of the difference in premium paid and the amount the employer should have paid. The liability to the State under this section shall be enforced in a civil action in the name of the State. All sums collected under this section shall be paid into the accident fund. Misrepresentations.

SEC. 17. Whenever the State, county or any municipal corporation shall engage in any extra hazardous work in which workmen are employed for wages, this act shall be applicable thereto. The employer's payments into the accident fund shall be made from the treasury of the State, county or municipality. If said work is being done by contract, the pay roll of the contractor and the subcontractor shall be the basis of computation, and in the case of contract work consuming less than one year in performance the required payment into the accident fund shall be based upon the total pay roll. The contractor and any subcontractor shall be subject to the provisions of the act, and the State for its general fund, the county or municipal corporation shall be entitled to collect from the contractor the full amount payable to the accident fund, and the contractor, in turn shall be entitled to collect from the subcontractor his proportionate amount of the payment. The provisions of this section shall apply to all extra hazardous work done by contract, except that in private work the contractor shall be responsible, primarily and directly, to the accident fund for the proper percentage of the total pay roll of the work and the owner of the property affected by the contract shall be surety for such payments. Whenever and so long as, by State law, city charter or municipal ordinance, provision is made for municipal employes injured in the course of employment, such employes shall not be entitled to the benefits of this act and shall not be included in the pay roll of the municipality under this act. P u b l i c works.

SEC. 18. The provisions of this act shall apply to employers and workmen engaged in intrastate and also in interstate or foreign commerce, for whom a rule of liability or method of compensation has been or may be established by the Congress of the United States, only to the extent that their mutual connection with intrastate work may and shall be clearly separable and distinguishable from interstate or foreign commerce, except that any such employer and any of his workmen working only in this State may, with the approval of the department, and so far as not forbidden by any act of Congress, voluntarily accept the provisions of this act by filing written acceptances with the department. Such acceptances, when filed with and approved by the department, shall subject the acceptors irrevocably to the provisions of this act to all intents and purposes as if they had been originally included in its terms. Payment of premium shall be on the basis of the pay roll of the workmen who accept as aforesaid. Interstate commerce.

SEC. 19. Any employer and his employees engaged in works not extra hazardous may, by their joint election, filed with the department, accept the provisions of this act, and such acceptances, when approved by the department, shall subject them irrevocably to the provisions of this act to all intents and purposes as if they had been originally included in its terms. Ninety per cent of the minimum rate specified in section 4 shall be applicable to such case until otherwise provided by law. Works not extra hazardous.

SEC. 20. Any employer, workman, beneficiary, or person feeling aggrieved at any decision of the department affecting his interests under this act may have the same reviewed by a proceeding for that purpose, in the nature of an appeal, initiated in the superior court of the county of his residence (except as otherwise pro- Appeals.

vided in subdivision (1) of section numbered 5) in so far as such decision rests upon questions of fact, or of the proper application of the provisions of this act, it being the intent that matters resting in the discretion of the department shall not be subject to review. The proceedings in every such appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. No such appeal shall be entertained unless notice of appeal shall have been served by mail or personally upon some member of the commission within twenty days following the rendition of the decision appealed from and communication thereof to the person affected thereby. No bond shall be required, except that an appeal by the employer from a decision of the department under section 9 shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the court, shall be filed, conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay. The calling of a jury shall rest in the discretion of the court except that in cases arising under sections 9, 15 and 16 either party shall be entitled to a jury trial upon demand. It shall be unlawful for any attorney engaged in any such appeal to charge or receive any fee therein in excess of a reasonable fee, to be fixed by the court in the case, and, if the decision of the department shall be reversed or modified, such fee and the fees of medical and other witnesses and the costs shall be payable out of the administration fund, if the accident fund is affected by the litigation. In other respects the practice in civil cases shall apply. Appeal shall lie from the judgment of the superior court as in other civil cases. The attorney general shall be the legal adviser of the department and shall represent it in all proceedings, whenever so requested by any of the commissioners. In all court proceedings under or pursuant to this act the decision of the department shall be prima facie correct, and the burden of proof shall be upon the party attacking the same.

Industrial insurance department.

SEC. 21. The administration of this act is imposed upon a department, to be known as the industrial insurance department, to consist of three commissioners to be appointed by the governor. One of them shall hold office for the first two years, another for the first four years, and another for the first six years following the passage and approval of this act. Thereafter the term shall be six years. Each commissioner shall hold until his successor shall be appointed and shall have qualified. A decision of any question arising under this act concurred in by two of the commissioners shall be the decision of the department. The governor may at any time remove any commissioner from office in his discretion, but within ten days following any such removal the governor shall file in the office of the secretary of state a statement of his reasons therefor. The commission shall select one of their members as chairman. The main office of the commission shall be at the State capitol, but branch offices may be established at other places in the State. Each member of the commission shall have power to issue subpoenas requiring the attendance of witnesses and the production of books and documents.

Salaries.

SEC. 22. The salary of each of the commissioners shall be thirty-six hundred dollars per annum, and he shall be allowed his actual and necessary traveling and incidental expenses; and any assistant to the commissioners shall be paid for each full day's service rendered by him, his actual and necessary traveling expenses and such compensation as the commission may deem proper, not to exceed six dollars per day to an auditor, or five dollars per day to any other assistant.

Assistants.

SEC. 23. The commissioners may appoint a sufficient number of auditors and assistants to aid them in the administration of this act, at an expense not to exceed \$5,000 per month. They may employ one or more physicians in each county for the purpose of official medical examinations, whose compensation shall be limited to five dollars for each examination and report therein. They may procure such record books as they may deem necessary for the record of the financial transactions and statistical data of the

department, and the necessary documents, forms and blanks. They may establish and require all employers to install and maintain an uniform form of pay roll.

Sec. 24. The commission shall, in accordance with the provisions of this act: Regulations,  
etc.

1. Establish and promulgate rules governing the administration of this act.

2. Ascertain and establish the amounts to be paid into and out of the accident fund.

3. Regulate the proof of accident and extent thereof, the proof of death and the proof of relationship and the extent of dependency.

4. Supervise the medical, surgical and hospital treatment to the extent that same may be in all cases suitable and wholesome.

5. Issue proper receipts for moneys received, and certificates for benefits accrued and accruing.

6. Investigate the cause of all serious injuries and report to the governor from time to time any violations or laxity in performance of protective statutes or regulations coming under the observation of the department.

7. Compile and preserve statistics showing the number of accidents occurring in the establishment or works of each employer, the liabilities and expenditures of the accident fund on account of, and the premium collected from the same, and hospital charges and expenses.

8. Make annual reports to the governor (one of them not more than sixty nor less than thirty days prior to each regular session of the legislature) of the workings of the department, and showing the financial status and the outstanding obligations of the accident fund, and the statistics aforesaid.

Sec. 25. Upon the appeal of any workman from any decision of the department affecting the extent of his injuries or the progress of the same, the court may appoint not to exceed three physicians to examine the physical condition of the appellant, who shall make to the court their report thereon, and they may be interrogated before the court by or on behalf of the appellant in relation to the same. The fee of each shall be fixed by the court, but shall not exceed ten dollars per day each. Medical  
board.

Sec. 26. Disbursements out of the funds shall be made only upon warrants drawn by the State auditor upon vouchers therefor transmitted to him by the department and audited by him. The State treasurer shall pay every warrant out of the fund upon which it is drawn. If, at any time, there shall not be sufficient money in the fund on which any such warrant shall have been drawn wherewith to pay the same, the employer on account of whose workman it was that the warrant was drawn shall pay the same, and he shall be credited upon his next following contribution to such fund the amount so paid with interest thereon at the legal rate from the date of such payment to the date such next following contribution became payable, and if the amount of the credit shall exceed the amount of the contribution, he shall have a warrant upon the same fund for the excess, and if any such warrant shall not be so paid, it shall remain, nevertheless, payable out of the fund. The State treasurer shall to such extent as shall appear to him to be advisable keep the moneys of the unsegregated portion of the accident fund invested at interest in the class of securities provided by law for the investment of the permanent school fund. The State treasurer shall be liable on his official bond for the safe custody of the moneys and securities of the accident fund, but all the provisions of an act approved February 21, 1907, entitled "An act to provide for State depositories and to regulate the deposits of State moneys therein," shall be applied to said moneys and the handling thereof by the State treasurer. Disburse-  
ments.

Sec. 27. If any employer shall be adjudicated to be outside the lawful scope of this act, the act shall not apply to him or his workman, or if any workman shall be adjudicated to be outside Employers  
outside act.

the lawful scope of this act because of remoteness of his work from the hazard of his employer's work, any such adjudication shall not impair the validity of this act in other respects, and in every such case an accounting in accordance with the justice of the case shall be had of moneys received. If the provisions of section 4 of this act for the creation of the accident fund, or the provisions of this act making the compensation to the workman provided in it exclusive of any other remedy on the part of the workman shall be held invalid the entire act shall be thereby invalidated except the provisions of section 31, and an accounting according to the justice of the case shall be had of moneys received. In other respects an adjudication of invalidity of any part of this act shall not affect the validity of the act as a whole or any other part thereof.

If law is declared unconstitutional, what.

SEC. 28. If the provisions of this act relative to compensation for injuries to or death of workmen become invalid because of any adjudication, or be repealed, the period intervening between the occurrence of an injury or death, not previously compensated for under this act by lump payment or completed monthly payments, and such repeal or the rendition of the final adjudication of the invalidity shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death: *Provided*, That such action be commenced within one year after such repeal or adjudication; but in any such action any sum paid out of the accident fund to the workman on account of injury, to whom the action is prosecuted, shall be taken into account or disposed of as follows: If the defendant employer shall have paid without delinquency into the accident fund the payment provided by section 4, such sums shall be credited upon the recovery as payment thereon, otherwise the sums shall not be so credited but shall be deducted from the sum collected and be paid into the said fund from which they had been previously disbursed.

Administration fund.

SEC. 29. There is hereby appropriated out of the State treasury the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, to be known as the administration fund, out of which the salaries, traveling and office expenses of the department shall be paid, and also all other expenses of the administration of the accident fund; and there is hereby appropriated out of the accident fund for the purpose to which said fund is applicable the sum of \$1,500,000, or so much thereof as shall be necessary for the purposes of this act.

Existing laws.

SEC. 30. Nothing in this act contained shall repeal any existing law providing for the installation or maintenance of any device, means or method for the prevention of accidents in extra hazardous work or for a penalty or punishment for failure to install or maintain any such protective device, means or method, but sections 8, 9, and 10 of the act approved March 6, 1905, entitled: "An act providing for the protection and health of employes in factories, mills or workshops, where machinery is used, and providing for suits to recover damages sustained by the violation thereof, and prescribing a punishment for the violation thereof and repealing an act entitled, 'An act providing for the protection of employes in factories, mills, or workshops where machinery is used, and providing for the punishment of the violation thereof, approved March 6, 1903,' and repealing all other acts or parts of acts in conflict herewith," are hereby repealed, except as to any cause of action which shall have accrued thereunder prior to October 1, 1911.

If act repealed, what.

SEC. 31. If this act shall be hereafter repealed, all moneys which are in the accident fund at the time of the repeal shall be subject to such disposition as may be provided by the legislature, and in default of such legislative provision distribution thereof shall be in accordance with the justice of the matter, due regard being had to obligations of compensation incurred and existing.

Act in effect, when.

SEC. 32. This act shall not affect any action pending or cause of action existing on the 30th day of September, 1911.

Approved by the governor March 14, 1911.

CHAPTER 117.—*Public service companies—Provisions for employees—Accidents—Safety appliances.*

SECTION 35. \* \* \*

Every telephone and telegraph company operating in this State shall provide and maintain suitable and adequate buildings and facilities therein, or connected therewith, for the accommodation, comfort and convenience of its patrons and employees. Accommodations.

\* \* \* \* \*

SEC. 63. Every public service company is hereby required to give immediate notice to the [public service] commission of every accident resulting in death or injury to any person occurring on its lines, plant or system, in such manner as the commission may prescribe. The commission may require reports to be made by any common carrier of all wrecks, collisions or derailments occurring on the line of any such common carrier. Such notice shall not be admitted as evidence or used for any purpose against such public service company giving such notice in any suit or action for damages growing out of any matter mentioned in such notice. Notice of accidents.

The commission is hereby authorized and directed to investigate all accidents that may occur upon the lines of any common carrier resulting in loss of life, to any passenger or employee, and may investigate any and all accidents or wrecks occurring on the line of any such common carrier, or any accident resulting in death or injury to any person occurring in connection with the plant or system of any public service company. Notice of such investigation shall be given in all cases for a sufficient length of time to enable the public service company affected to participate in the hearing, and such notice may be given orally or in writing, in such manner as the commission may prescribe. Investigation.

Such witnesses may be examined as the commission may deem necessary and proper to thoroughly ascertain the cause of the accident or wreck and fix the responsibility therefor. Such examination and investigation may be conducted by the inspector or any deputy inspector, and such inspector or deputy inspector shall have the power to administer oaths, issue subpoenas and compel the attendance of witnesses, and when such examination is conducted by the inspector or deputy inspector, he shall make a full and complete report thereof to the commission.

SEC. 65. If upon investigation the commission shall find that the equipment or appliances in connection therewith, or the apparatus, tracks, bridges, or other structures of any common carrier are defective, and that the operation thereof is dangerous to the employees of such common carrier or to the public, it shall immediately give notice to the superintendent or other officer of such common carrier of the repairs or reconstruction necessary to place the same in a safe condition, and may also prescribe the rate of speed for trains or cars passing over such dangerous or defective track, bridge or other structure until the repairs or reconstruction required are made, and may also prescribe the time within which the same shall be made. Or if, in its opinion, it is needful or proper, it may forbid the running of trains or cars over any defective track, bridge or structure until the same be repaired and placed in a safe condition. Defective conditions.

There shall be no appeal from or action to review any order of the commission made under the provisions of this section.

SEC. 66. Each locomotive on every railroad in this State shall be equipped with power driving wheel brakes and appliances for operating the train brake system, so equipped that the engineer on the locomotive drawing such train can control its speed without requiring brakeman to use the common hand brakes for that purpose, with couplers coupling automatically by impact, which can be coupled or uncoupled without the necessity of men going between the locomotive and the locomotive or car to which the same is being coupled or from which it is being uncoupled, and with proper flanges, sill steps and grab irons, or uncoupling levers in lieu of such grab irons, and, excepting such as may be Equipment of locomotives.

assigned to daylight runs or switching service exclusively, with electric headlights of approved design and capacity (except that locomotives may be operated without such headlight upon permission and order of the commission), with proper cocks, valves, pistons, valve stems and appliances which will prevent the escape of steam in such volume as to obstruct the view of the engineman operating such locomotive, and, in the case of locomotives used in the switching service, with proper footboards and toe boards, and with a headlight on each end, and with such other appliances, apparatus and machinery necessary for safe operation of the locomotive or the train to which the same is attached, as the commission may prescribe: *Provided*, That in case of emergency the commission may permit the use of road engines in switching service.

**Cars.**

Each car shall be equipped with couplers coupling automatically, which can be coupled or uncoupled without the necessity of men going between the ends of the cars, with power brakes, with proper hand brakes, sill steps and grab irons, and, where secure ladders and running boards are required, with such ladders and running boards, and all cars having ladders shall also be equipped with secure hand holds or grab irons on their roofs at the tops of such ladders, and with such other appliances necessary for the safe operation of such cars, and the trains containing such cars, as may be prescribed by the commission: *Provided*, That in the loading and hauling of long commodities requiring more than one car, hand brakes may be omitted from all save one of the cars, while they are thus combined for such purpose: *And provided further*, That in the operation of trains not less than eighty-five per cent. of the cars in such train, which are associated together, shall have their power brakes used and operated by the engineer of the locomotive drawing such train.

**Street cars.**

Every street car shall be equipped with proper and efficient brakes, steps, grab irons or handrails, fenders or aprons or pilots, and with such other appliances, apparatus and machinery necessary for the safe operation of such street car as the commission may prescribe.

Numbers,  
etc., to be designated.

The commission shall, as soon as practicable, after the taking effect of this act, designate the number, dimensions, location and manner of application of the appliance provided for herein, or such as may be prescribed by the commission, and shall give notice of such designation to all railroad companies and street railroad companies subject to the provisions of this act, by such means as the commission may deem proper, and thereafter such number, dimensions, location and manner of application as designated by the commission shall remain as the standards of equipment to be used on all cars and locomotives subject to the provisions of this act. The commission shall have power to add to, change or modify said standards of equipment at any time or to provide different standards under different circumstances and conditions: *Provided*, That the commission may, upon full hearing, for good cause, extend the period within which any railroad or street railroad may comply with the provisions of this section with respect to the equipment of locomotives or cars actually in

Time for  
adoption.

service at the date of the passage of this act. The commission is hereby given authority to fix the time within which such modification or change shall become effective or obligatory. After the time so fixed it shall be unlawful to use any car, motor, or locomotive which does not comply with the standards so prescribed by the commission: *Provided*, That when any car, motor or locomotive shall have been properly equipped as provided in this act,

Defects en  
route.

and such equipment shall have become defective or insecure while such car, motor or locomotive was being used by such railroad company upon its line of railroad, such car, motor or locomotive may be hauled from the place where such equipment was first discovered to be defective or insecure to the nearest available point where such car, motor or locomotive can be repaired, without liability for the penalties imposed herein if such movement

is necessary to make such repairs, and such repairs can not reasonably be made except at such repair point. Nothing in this proviso shall be construed to permit the hauling of defective cars by means of chains instead of drawbars in revenue trains, or in association with other cars that are commercially used, unless such defective cars contain live stock or perishable freight.

It shall be unlawful for any railroad company or street railroad company to use or operate any car, motor, locomotive or train that is defective, or any car, motor, locomotive or train upon which any appliance, machinery or attachment thereto belonging is defective, or to knowingly operate its train over any defective track, bridge or other structure, excepting in cases of emergency and under proper precaution: *Provided*, That this section shall not apply to boarding and outfit cars when moved as work trains, or to trains consisting wholly of logging trucks or of logging trucks and a passenger car or caboose at the rear end thereof, or of logging trucks and not to exceed five freight cars at the rear end thereof.

Use of defective cars, etc.

SEC. 67. It shall be the duty of the inspector of tracks, bridges, structures, and equipment, and such deputies as may be appointed [appointed] to inspect all equipment, and appliances connected therewith, and all apparatus, tracks, bridges and structures, depots and facilities and accommodations connected therewith, and facilities and accommodations furnished for the use of employees, and make such reports of his inspection to the commission as may be required. He shall, on discovering any defective equipment or appliances connected therewith, rendering the use of such equipment dangerous, immediately report the same to the superintendent of the road on which it is found, and to the proper official at the nearest point where such defect is discovered, describing the defect. Such inspector may, on the discovery of any defect rendering the use of any car, motor or locomotive dangerous, condemn such car, motor or locomotive, and order the same out of service until repaired and put in good working order. He shall, on discovering any track, bridge or structure defective or unsafe in any particular, report such condition to the commission, and, in addition thereto, report the same to the official in charge of the division of such railroad upon which such defect is found. In case any track, bridge or structure is found so defective as to be dangerous to the employees or public for a train or trains to be operated over the same, the inspector is hereby authorized to condemn such track, bridge or structure and notify the commission and the office in charge of the division of such railroad where such defect is found of his action concerning the same, reporting in detail the defect complained of, and the work or improvements necessary to repair such defect. He shall also report to the commission the violation of any law governing, controlling or affecting the conduct of public service companies in this State.

Inspections.

The inspector, or such deputies as may be appointed, shall have the right and privilege of riding on any locomotive, either on freight or passenger trains, or on the caboose of any freight train, for the purpose of inspecting the track on any railroad in this State: *Provided*, That the engineer or conductor in charge of any such locomotive or caboose may require such inspector to produce his authority, under the seal of the commission, showing that he is such inspector or deputy inspector.

The inspector, or such deputy inspector or inspectors as may be appointed, shall, when required by the commission, inspect any street railroad, gas plant, electrical plant, water system, telephone line or telegraph line, and upon discovering any defective or dangerous track, bridge, structure, equipment, apparatus, machinery, appliance, facility, instrumentality or building, rendering the use of the same dangerous to the public or to the employees of the company owning or operating the same, report the same to the commission, and to the official in charge of such road, plant, system or line.

Frogs, etc., to be guarded. SEC. 68. Every railroad and street railroad operating in this State shall so adjust, fill, block and securely guard all frogs, switches and guard rails so as to protect and prevent the feet of persons being caught therein.

Approved by the governor March 18, 1911.

CHAPTER 123.—*Commission on mine regulations.*

- Commission created.** SECTION 1. There is hereby created a commission, whose duty it shall be to investigate the operation of coal mines in the State of Washington, to recommend needed legislation, to revise existing coal mining statutes, and suggest such amendments to existing laws as it may deem proper and for the best interests of the State.
- Members.** SEC. 2. The governor of the State shall, upon the taking effect of this act, appoint four members of the commission, one of whom shall be a coal mining engineer, one a coal mine operator, and two of whom shall be practical miners of at least five years' experience, who, with the State mine inspector, shall constitute the commission mentioned in section 1 hereof, to investigate the safe working of coal mines, the cause of accidents therein, the safety of employees, and all other matters pertaining to the improvement of the methods of coal mining in this State; the commission herein provided for, with the advice and assistance of the attorney general shall also revise and recodify all laws and parts of laws relating to coal mining in the State of Washington, and after consideration shall recommend to the next legislature such proposed laws as may be deemed advisable or necessary to govern the operation of coal mines in this State. Said commission shall also present to the next legislature its revision, recodification or rearrangement of the coal mining laws of the State of Washington, together with such recommendations in connection therewith as may be deemed advisable or necessary.
- Duties.**
- Recommendations.**
- Power.** SEC. 3. The commission shall have the power to subpoena and examine witnesses at such time and place as may be fixed by the commission, to be stated in the subpoena. Such subpoena shall be served by the sheriff of the county in which the commission holds a meeting, or by any person over the age of twenty-one years, who is not a party to the matter in which such subpoena is issued. Each witness subpoenaed by the commission shall be allowed the same fees and mileage as provided by law to be paid witnesses in courts of record in this State, said fees and mileage to be paid upon the usual vouchers and warrants. Any person duly served with a subpoena, who shall fail to obey the same, without legal excuse, shall be guilty of contempt, and the commission shall certify the fact thereof to the superior court of the county in which such witness may reside, and upon legal proof thereof such witness shall suffer the same penalties as are now provided in like cases in the courts of this State.
- Organization.** SEC. 4. Said commission shall be called together by the governor, and shall be organized by the selection of one of its members as chairman, and one of its members as secretary, and the commission shall thereafter hold meetings in the State at such times and places as may be fixed by it.
- May visit mines.** SEC. 5. The commission, in discharging the duties contemplated by this act, shall have the power to visit and inspect all coal mines and mining plants in the State of Washington.
- Laws to be printed.** SEC. 6. The revised and recodified laws of the State prepared by the commission shall be printed in the form of a legislative bill and distributed to the members and members elect of the legislature of 1913 on or before December first, 1912.
- Compensation.** SEC. 7. The members of the commission, with the exception of the State mine inspector, shall receive the sum of five dollars per day for each day necessarily employed in the work of the commission, and be further entitled to their actual expenses disbursed during the necessary work of the commission, said amounts to be

paid by proper vouchers upon presentation to the State auditor. The commission shall have power to employ necessary clerical and stenographic assistance, at such compensation as the commission may determine.

Sec. 8. For the purpose of paying the necessary expenses of the commission in this act provided for, the sum of two thousand dollars (\$2000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated.

Expenses.

Approved by the governor March 17, 1911.

#### CHAPTER 134.—*Railroads—Crews for trains.*

SECTION 1. It shall be unlawful for any person, corporation, company, or officer of court operating any railroad or railway, or part of any railroad or railway, in the State of Washington, and engaged, as a common carrier, in the transportation of freight or passengers, to operate over its road or any part thereof, or suffer or permit to be run over its road outside of the yard limits, any passenger, mail or express train consisting of four or more cars with less than a full passenger crew consisting of five men, to wit: One engineer, one fireman, one conductor, one brakeman and one flagman (said flagman to have had at least one year's experience in train service) and none of the said crew shall be required or permitted to perform the duties of train baggageman or express messenger while on the road.

Crews for passenger trains.

Sec. 2. It shall be unlawful for any person, corporation, company, or officer of court operating any railroad or railway, or part of any railroad or railway, in the State of Washington, and engaged, as a common carrier, in the transportation of freight or passengers, to operate over its road or any part thereof, or suffer or permit to be run over its road outside of the yard limits, any freight train consisting of twenty-five or more cars exclusive of engine and caboose, with less than a full train crew consisting of six men, to wit: One engineer, one fireman, one conductor, two brakemen and one flagman (said flagman to have had at least one year's experience in train service): *Provided, however,* That light engine, without cars, shall have the following crew, to wit: One engineer, one fireman and one conductor.

Freight trains.

Sec. 3. Each train or engine run in violation of section one or two of this act shall constitute a separate offense: *Provided,* That nothing in this act shall be construed as applying in the case of disability of one or more of any train crew while out on the road between division terminals, wrecking trains, or to any line, or part of line, where not more than two trains are run in each twenty-four hours.

Separate offenses.

Sec. 4. Any person, corporation, company, or officer of court operating any railroad or railway, or part of any railroad or railway in the State of Washington, and engaged, as a common carrier, in the transportation of freight or passengers, who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense.

Violations.

Sec. 5. It shall be the duty of the railroad commission to enforce this act.

Enforcement.

Approved by the governor March 21, 1911.

#### RESOLUTIONS.

SENATE JOINT RESOLUTION No. 10.—*Public buildings—Use of stone, etc., quarried within the State.*

Hereafter in the erection or construction of the capitol building or buildings, or in the erection or construction of buildings for any of the State institutions, Washington stone, marble and other

Products of State preferred.

building materials and products [shall] be used; and that so far as possible all State buildings of every kind and character hereafter constructed, shall be constructed of Washington products and building materials.

Passed by the senate March 3, 1911.

Passed by the house March 6, 1911.

## WEST VIRGINIA.

### ACTS OF 1911.

#### CHAPTER 60.—*Employment of children.*

Sections one, two, three and four of chapter seventy-five of the acts of the legislature of one thousand nine hundred and five, \* \* \* [shall] be amended and reenacted so as to read as follows:

#### Age limit.

Section 1. No child under the age of fourteen years shall be employed, permitted or suffered to work in, about or in connection with any factory, mill, workshop or manufacturing establishment. It shall be unlawful for any person, firm, or corporation without written permission from the State commissioner of labor or county superintendent of free schools to employ any child under fourteen years of age in any business or service whatever during the hours when the public schools of the district in which the said child resides are actually in session.

#### Certificates required.

Sec. 2. No child under the age of sixteen shall be employed, permitted or suffered to work in, about or in connection with any of the establishments or occupations named in section one of this act, unless the person, firm or corporation employing such child procures and keeps on file, accessible to any truant officer, inspector of factories or authorized agent of the humane society, an employment certificate as hereinafter prescribed. On termination of employment of a child whose employment certificate is on file, such certificate shall be forthwith returned by the employers to the person who issued the same. The employment certificate shall be issued only by the superintendent of schools, or by persons authorized by him in writing, or where there is no superintendent of schools, then by a person authorized by the local school board: *Provided*, That no member of a school board or other person authorized, as aforesaid, shall have authority to issue such certificates to any child then in or about to enter such person's own employment or the employment of a firm or corporation of which he is a member, officer or employee. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined and approved and filed the following papers duly executed:

#### Who to issue.

#### Evidence.

1. The school record of such child properly filled out and signed.
  2. A passport or duly attested transcript of the school census record, showing the date and place of birth of such child.
  3. The affidavit of the parent or guardian or custodian of such child (which shall be required, however, only in case no one of the above mentioned proofs of age is obtainable), showing the date and place of birth of such child. Such affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath without demanding or receiving any fee therefor.
- No employment certificate shall be issued until the child in question has personally appeared before the officer issuing the certificate nor until such officer has satisfied himself that the child can read and write legibly simple sentences in the English language, and that the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sufficiently sound health and physically able to perform the work it intends to do, which shall be stated. In all cases of

doubt such development, health and physical fitness shall be determined by a medical officer of the board or department of health, or by a physician appointed by the school board.

Every such employment certificate shall state the race, residence, sex, and the date and place of birth of the child, and that the papers required by the preceding sections have been duly examined, approved and filed. Every such certificate shall be signed in the presence of the officer issuing the same, by the child in whose name it is issued, and it shall show the date of its issue; the school record required by the act shall be signed by the principal or other chief executive officer of the school which such child has attended and shall be furnished on demand to a child entitled thereto. It shall contain a statement certifying that the child is able to read and legibly write simple sentences in the English language, and has received instruction equivalent to that given in the first four grades of the common schools. Such school record shall also give the date of birth and residence of the child as shown on the records of the school. The employment certificate provided for must be formulated by the State superintendent of free schools and furnished in blank by the clerk of the local school board.

Contents of certificate.

Sec. 3. Whoever, whether he be the employer, parent, guardian or custodian of any child, employs, permits or suffers such child to be employed or to work in violation of any of the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars for each and every offense.

Violations.

Sec. 4. It shall be the duty of the prosecuting attorney to enforce the provisions of this act and to prosecute any person, firm or corporation charged with violation of the same, before any magistrate or court of competent jurisdiction in this State; and it shall be the duty of the truant officers, inspectors of factories and authorized agents of the humane society to expose all violations of this act to the prosecuting attorney. All fines collected for violations of this act shall be paid into the building fund of the school district or independent district in which the offense is committed.

Enforcement.

Approved by the governor February 27, 1911.

JOINT RESOLUTIONS.

SENATE JOINT RESOLUTION, No. 22.—*Employers' liability and workmen's compensation commission.*

SECTION 1. A commission [shall be appointed] consisting of Ben Davis, of the United Mine Workers of America, Wm. F. Welch, of the Ohio Valley Trades and Labor Assembly, I. V. Barton, commissioner of labor of this State, M. T. Davis, of Kanawha County, C. W. Brockunier, of Ohio County, Prof. P. B. Reynolds, of Morgantown, Isaac T. Mann, of Bramwell, T. E. Houston, of Elkhorn, two members of the senate to be appointed by the president of the senate, and three members of the house of delegates, to be appointed by the speaker of the house, which commission shall investigate and report to the governor, not later than January first, one thousand nine hundred and twelve, the following:

Commission authorized.

1. What States have adopted laws concerning employers' liability and laborers' compensation, and the purport of such laws or copies thereof.

2. How many employers of labor are there in this State, the number of employees, the kind of work required, the amount of capital invested, and any other data necessary to enable the legislature to pass intelligently upon the subjects named in the caption.

Duties.

3. The number of cases pending and disposed of during the last two years in the courts of this State growing out of injuries to employees while engaged in their employment, the amount recovered by compromise or otherwise.

4. The advisability of legislation in this State of the kind suggested, and the reasons, whether for or against.

**Organization.** Said commission shall meet not later than May first, one thousand nine hundred and eleven, at a place to be selected by the clerk of the senate, who shall notify each person named on this commission of his appointment and of the time and place of such meeting. The commission shall select one of their number as chairman, and one as secretary, and shall control their own sittings, work and places of meeting after the first.

Said commission is authorized to employ a stenographer and an accountant, if deemed necessary, to send for persons and papers, to subpoena witnesses, to take testimony, and to compel the attendance of witnesses, all upon the order of the commission, evidenced by the subpoena, order, or warrant of the chairman.

A majority of the commission shall constitute a quorum for the transaction of business.

**Report.** Said commission shall transmit its report in writing to the governor who shall, at once, cause the same to be printed, and shall deliver at least fifty copies to each member of the commission, and at least twenty copies to each member of the senate and house of delegates, and shall transmit the same to the next regular or special session of the legislature.

**Expenses.** Five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to carry out the purposes of this resolution; and the auditor shall pay the same upon warrants of the chairman and secretary of said commission. But no obligation shall be created by the commission beyond the said sum appropriated, and only the actual expenses of the members of the commission while on duty shall be paid out of the money hereby appropriated.

Adopted February 24, 1911.

## WISCONSIN.

### ACTS OF 1911.

#### CHAPTER 17.—*Wages as preferred claims—In settlement of estates.*

SECTION 1. Section 3852 of the Statutes is amended to read:

**Personal representative to pay.** Section 3852. If, after the amount of the claims against any estate shall have been ascertained by the court, it shall appear that the executor or administrator has in his possession sufficient to pay all the debts, he shall pay the same in full within the time limited for that purpose. If the assets received by the executor or administrator, and which can be appropriated to the payment of debts, shall not be sufficient he shall, after paying necessary expenses of administration, pay the debts against the estate in the following order:

1. The necessary funeral expenses;
2. The expenses of the last sickness;
3. Debts having a preference under the laws of the United States;
4. Wages due to workmen, clerks or servants which have been earned within three months before the date of the death of the testator or intestate; not to exceed three hundred dollars to each claimant; \* \* \*
5. Debts due to other creditors.

If there shall not be assets enough to pay all the debts of any one class each creditor shall be paid a dividend in proportion to his claim; and no creditor of any one class shall receive any payment until all of those of the preceding class shall be fully paid.

Approved April 8, 1911.

CHAPTER 29.—*Railroads—Headlights on locomotives.*

SECTION 1. There is added to the Statutes a new section to read:

Section 1809v. 1. It shall be the duty of every corporation operating any steam railroad of more than fifty miles of track with-<sup>Power of light pre-</sup> in this State, to equip on or before July 1, 1912, every locomotive, power vehicle, power car, and other equipment used as the equivalent of or in place of locomotives, except such as are used exclusively for switching service or in railroad yards and not elsewhere, with a headlight of sufficient candle-power, measured with a reflector, to throw a light in clear weather that will enable the operator of the same to plainly discern an object the size of a man, at a distance of not less than eight hundred feet, and thereafter to maintain and use such headlights upon every such locomotive, vehicle car or other equipment, when the same is operated at nighttime.

2. Any corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars for each offense, and in addition shall be liable for all damages resulting in whole or in part, directly or indirectly, from such violation.

Approved April 28, 1911.

CHAPTER 49.—*Protection of employes on buildings.*

SECTION 1. Section 1636-S3 of the Statutes is amended to read:

Section 1636-S3. 1. All contractors and owners, when constructing buildings in cities, where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are of fireproof material or brick work, shall complete the flooring in or filling in on each floor as the building progresses before workmen shall be permitted to begin work on the next succeeding floor above. If the plans and specifications of such building do not require filling in between the beams of floors with brick or fireproof material, all contractors for carpenter work, in the course of construction, shall lay the under flooring thereof on each story as the building progresses before workmen shall be permitted to begin work on the next succeeding story above. Where double floors are not to be used, such contractor shall keep planked over the floor one story below the story where the work is being performed.

2. If the floor beams are of iron or steel, the contractors for the iron and steel work of such buildings, in the course of construction, or the owners of such buildings, shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work, and for the raising and lowering of materials to be used in the construction of such building, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts. But all such openings shall be enclosed or fenced in on all sides by barriers of at least four feet in height. In case of any opening across which are placed runways or tramways then the entire opening shall be planked over.

3. If elevating machines or hoisting apparatus are used within a building in the course of construction, for the purpose of lifting materials to be used in such construction, the contractors or owners shall cause the shafts or openings in each floor to be enclosed or fenced in on all sides by a barrier at least eight feet in height. If a building in course of construction is five stories or more in height, no lumber or timber needed for such construction shall be hoisted or lifted on the outside of such building.

Approved May 2, 1911.

CHAPTER 50.—*Compensation of workmen for injuries—Industrial accident board.*

SECTION 1. There are added to the Statutes thirty-two new sections to read:

Defenses ab-  
rogated.

Section 2394-1. In any action to recover damages for personal injury sustained within this State by an employee while engaged in the line of his duty as such, or for death resulting from personal injury so sustained, in which recovery is sought upon the ground of want of ordinary care of the employer, or of any officer, agent, or servant of the employer, it shall not be a defense:

1. That the employee either expressly or impliedly assumed the risk of the hazard complained of.

2. When such employer has at the time of the accident in a common employment four or more employees, that the injury or death was caused in whole or in part by the want of ordinary care of a fellow servant.

Any employer who has elected to pay compensation as hereinafter provided shall not be subject to the provisions of this section 2394-1.

Contracts of  
exemption.

Sec. 2394-2. No contract, rule, or regulation, shall exempt the employer from any of the provisions of section 2394-1.

Railroads.

Sec. 2394-3. Except as regards employees working in shops or offices of a railroad company, who are within the provisions of subsection 9 of section 1816 of the statutes, the term "employer" as used in sections 2394-1 and 2394-2 shall not include any railroad company as defined in subsection 7 of said section 1816, said section 1816 being continued in force unaffected, except as aforesaid, by sections 2394-1 and 2394-2.

Act applies,  
when.

Sec. 2394-4. Liability for the compensation hereinafter provided for, in lieu of any other liability whatsoever, shall exist against an employer for any personal injury accidentally sustained by his employee, and for his death, if the injury shall proximately cause death, in those cases where the following conditions of compensation concur:

1. Where, at the time of the accident, both the employer and employee are subject to the provisions of sections 2394-1 to 2394-31, inclusive, according to the succeeding sections hereof.

2. Where, at the time of the accident, the employee is performing service growing out of and incidental to his employment.

3. Where the injury is proximately caused by accident, and is not so caused by willful misconduct.

And where such conditions of compensation exist for any personal injury or death, the right to the recovery of such compensation pursuant to the provisions of sections 2394 to 2394-31, inclusive, shall be the exclusive remedy against the employer for such injury or death; in all other cases the liability of the employer shall be the same as if this and the succeeding sections of sections 2394 to 2394-31, inclusive, had not been passed, but shall be subject to the provisions of sections 2394-1 to 2394-3, inclusive.

Scope of law.

Sec. 2394-5. The following shall constitute employers subject to the provisions of sections 2394 to 2394-31, inclusive, within the meaning of the preceding sections:

1. The State, and each county, city, town, village, and school district therein.

2. Every person, firm, and private corporation (including any public service corporation), who has any person in service under any contract of hire, express or implied, oral or written, and who, at or prior to the time of the accident to the employee for which compensation under sections 2394 to 2394-31, inclusive, may be claimed, shall, in the manner provided in the next section, have elected to become subject to the provisions of sections 2394 to 2394-31, inclusive, and who shall not, prior to such accident, have effected a withdrawal of such election, in the manner provided in the next section.

Sec. 2394-6. Such election on the part of the employer shall be made by filing with the industrial accident board, hereinafter provided for, a written statement to the effect that he accepts the provisions of section 2394 to 2394-31, inclusive, the filing of which statement shall operate, within the meaning of section 2394-5, to subject such employer to the provisions of sections 2394 to 2394-31, inclusive, for the term of one year from the date of the filing of such statement, and thereafter, without further act on his part, for successive terms of one year each, unless such employer shall, at least sixty days prior to the expiration of such first or any succeeding year, file in the office of said board a notice in writing to the effect that he desires to withdraw his election to be subject to the provisions of sections 2394 to 2394-31, inclusive.

Mode of election.

Sec. 2394-7. The term "employee" as used in section 2394-4 shall be construed to mean:

1. Every person in the service of the State, or of any county, city, town, village, or school district therein, under any appointment, or contract of hire, express or implied, oral or written, except any official of the State, or of any county, city, town, village, or school district therein: *Provided*, That one, employed by a contractor, who has contracted with a county, city, town, village, school district, or the State, through its representatives, shall not be considered an employee of the State, county, city, town, village, or school district which made the contract.

Who are employees.

2. Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens, and also including minors who are legally permitted to work under the laws of the State (who, for the purposes of section 2394-8, shall be considered the same and shall have the same power of contracting as adult employees), but not including any person whose employment is but casual or is not in the usual course of the trade, business, profession, or occupation of his employer.

Sec. 2394-8. Any employee as defined in subsection 1 of the preceding section shall be subject to the provisions of sections 2394 to 2394-31, inclusive. Any employee as defined in subsection 2 of the preceding section shall be deemed to have accepted and shall, within the meaning of section 2394-4, be subject to the provisions of sections 2394 to 2394-31, inclusive, if, at the time of the accident upon which liability is claimed:

Employees covered, when.

1. The employer charged with such liability is subject to the provisions of sections 2394 to 2394-31, inclusive, whether the employee has actual notice thereof or not; and

2. Such employee shall not, at the time of entering into his contract of hire, express or implied, with such employer, have given to his employer notice in writing that he elects not to be subject to the provisions of sections 2394 to 2394-31, inclusive, or, in the event that such contract of hire was made in advance of such employer becoming subject to the provisions of sections 2394 to 2394-31, inclusive, such employee shall have given to his employer notice in writing that he elects to be subject to such provisions, or without giving either of such notices, shall have remained in the service of such employer for thirty days after the employer has filed with said board an election to be subject to the terms of sections 2394 to 2394-31, inclusive.

Sec. 2394-9. Where liability for compensation under sections 2394 to 2394-31, inclusive, exists, the same shall be as provided in the following schedule:

Compensation.

1. Such medical and surgical treatment, medicines, medical and surgical supplies, crutches, and apparatus, as may be reasonably required at the time of the injury and thereafter during the disability, but not exceeding ninety days, to cure and relieve from the effects of the injury, the same to be provided by the employer; and in case of his neglect or refusal seasonably to do so, the employer to be liable for the reasonable expense incurred by or on behalf of the employee in providing the same.

Medical, etc., treatment.

## Disability.

2. If the accident causes disability, an indemnity which shall be payable as wages on the eighth day after the injured employee leaves work as the result of the injury, and weekly thereafter, which weekly indemnity shall be as follows:

(a) If the accident causes total disability, sixty-five per cent of the average weekly earnings during the period of such total disability: *Provided*, That, if the disability is such as not only to render the injured employee entirely incapable of work, but also so helpless as to require the assistance of a nurse, the weekly indemnity during the period of such assistance after the first ninety days shall be increased to one hundred per cent of the average weekly earnings.

(b) If the accident causes partial disability, sixty-five per cent of the weekly loss in wages during the period of such partial disability.

(c) If the disability caused by the accident is at times total and at times partial, the weekly indemnity during the periods of each such total or partial disability shall be in accordance with said subdivisions (a) and (b), respectively.

(d) Said subdivisions (a), (b), and (c) shall be subject to the following limitations:

Aggregate disability indemnity for injury to a single employee caused by a single accident shall not exceed four times the average annual earnings of such employee.

The aggregate disability period shall not, in any event, extend beyond fifteen years from the date of the accident.

The weekly indemnity due on the eighth day after the employee leaves work as the result of the injury may be withheld until the twenty-ninth day after he so leaves work; if recovery from the disability shall then have occurred, such first weekly indemnity shall not be recoverable; if the disability still continues, it shall be added to the weekly indemnity due on said twenty-ninth day and be paid therewith.

If the period of disability does not last more than one week from the day the employee leaves work as the result of the injury, no indemnity whatever shall be recoverable.

## Death.

3. The death of the injured employee shall not affect the obligation of the employer under subsections 1 and 2 of this section, so far as his liability shall have become payable at the time of death; but the death shall be deemed the termination of disability, and the employer shall thereupon be liable for the following death benefits in lieu of any further disability indemnity:

(a) In case the deceased employee leaves a person or persons wholly dependent on him for support, the death benefit shall be a sum sufficient, when added to the indemnity which shall at the time of death have been paid or become payable under the provisions of subsection 2 of this section, to make the total compensation for the injury and death (exclusive of the benefit provided for in subsection 1), equal to four times his average annual earnings; the same to be payable, unless and until the board shall direct payment in gross, in weekly installments corresponding in amount to the weekly earnings of the employee.

(b) In case the deceased employee leaves no one wholly dependent on him for support, but one or more persons partially dependent therefor, the death benefit shall be such percentage of four times such average annual earnings of the employee as the average annual amount devoted by the deceased to the support of the person or persons so partially dependent on him for support bears to such average annual earnings, the same to be payable, unless and until the board shall direct payment in gross, in weekly installments corresponding in amount to the weekly earnings of the employee: *Provided*, That the total compensation for the injury and death (exclusive of the benefit provided for in said subsection 1) shall not exceed four times such average annual earnings.

(c) Liability for the death benefits provided for in subdivisions (a) and (b) respectively shall only exist where the accident is the

proximate cause of death: *Provided*, That if the accident proximately causes permanent total disability, and death ensues from some other cause before disability indemnity ceases, the death benefit shall be the same as though the accident had caused death: *And provided further*, That if the accident proximately causes permanent partial disability and death ensues from some other cause before disability indemnity ceases, liability shall exist for such percentage of the death benefits provided for in said subdivision (a) or (b) (as the case may be), as shall fairly represent the proportionate extent of the impairment of earning capacity caused by such permanent partial disability in the employment in which the employee was working at the time of the accident.

(d) If the deceased employee leaves no person dependent upon him for support, and the accident proximately causes death, the death benefit shall consist of the reasonable expense of his burial, not exceeding \$100.

Sec. 2394-10. 1. The weekly earnings referred to in section 2394-9 shall be one fifty-second of the average annual earnings of the employee; average annual earnings shall not be taken at less than \$375, nor more than \$750, and between said limits shall be arrived at as follows: Earnings as basis.

(a) If the injured employee has worked in the employment in which he was working at the time of the accident, whether for the same employer or not, during substantially the whole of the year immediately preceding his injury, his average annual earnings shall consist of three hundred times the average daily wage or salary which he has earned in such employment during the days when so employed.

(b) If the injured employee has not so worked in such employment during substantially the whole of such immediately preceding year, his average annual earnings shall consist of three hundred times the average daily wage or salary which an employee of the same class working substantially the whole of such immediately preceding year in the same or a similar employment in the same or a neighboring place shall have earned in such employment during the days when so employed.

(c) In cases where the foregoing methods of arriving at the average annual earnings of the injured employee can not reasonably and fairly be applied, such annual earnings shall be taken at such sum as, having regard to the previous earnings of the injured employee, and of other employees of the same or most similar class, working in the same or most similar employment, in the same or a neighboring locality, shall reasonably represent the annual earning capacity of the injured employee at the time of the accident in the employment in which he was working at such time.

(d) The fact that an employee has suffered a previous disability, or received compensation therefor, shall not preclude compensation for a later injury, or for death, but in determining compensation for the later injury, or death, his average annual earnings shall be such sum as will reasonably represent his annual earning capacity at the time of the later injury, in the employment in which he was working at such time, and shall be arrived at according to, and subject to the limitations of, the previous provisions of this section.

2. The weekly loss in wages referred to in section 2394-9 shall consist of such percentage of the average weekly earnings of the injured employee, computed according to the provisions of this section, as shall fairly represent the proportionate extent of the impairment of his earning capacity in the employment in which he was working at the time of the accident, the same to be fixed as of the time of the accident, but to be determined in view of the nature and extent of the injury. Weekly loss of wages.

3. The following shall be conclusively presumed to be solely and wholly dependent for support upon a deceased employee: Dependents.

(a) A wife upon a husband with whom she is living at the time of his death.

(b) A husband upon a wife with whom he is living at the time of her death.

(c) A child or children under the age of eighteen years (or over said age, but physically or mentally incapacitated from earning), upon the parent with whom he or they are living at the time of the death of such parent, there being no surviving dependent parent. In case there is more than one child thus dependent, the death benefit shall be divided equally among them.

In all other cases questions of entire or partial dependency shall be determined in accordance with the fact, as the fact may be at the time of the death of the employee; and in such other cases, if there is more than one person wholly dependent, the death benefit shall be divided equally among them, and persons partially dependent, if any, shall receive no part thereof; and if there is more than one person partially dependent, the death benefit shall be divided among them according to the relative extent of their dependency.

4. No person shall be considered a dependent unless a member of the family of the deceased employee, or bears to him the relation of husband or widow, or lineal descendant, or ancestor, or brother, or sister.

5. Questions as to who constitute dependents and the extent of their dependency shall be determined as of the date of the accident to the employee, and their right to any death benefit shall become fixed as of such time, irrespective of any subsequent change in conditions; and the death benefit shall be directly recoverable by and payable to the dependent or dependents entitled thereto or their legal guardians or trustees: *Provided*, That in case of the death of a dependent whose right to a death benefit has thus become fixed, so much of the same as is then unpaid shall be recoverable by and payable to his personal representative in gross. No person shall be excluded as a dependent who is a non-resident alien.

6. No dependent of an injured employee shall be deemed, during the life of such employee, a party in interest to any proceeding by him for the enforcement or collection of any claim for compensation, nor as respects the compromise thereof by such employee.

**Notice.**

Sec. 2394-11. No claim to recover compensation under sections 2394-1 to 2394-31, inclusive, shall be maintained unless, within thirty days after the occurrence of the accident which is claimed to have caused the injury or death, notice in writing, stating the name and address of the person injured, the time and place where the accident occurred, and the nature of the injury, and signed by the person injured or by some one on his behalf, or in case of his death, by a dependent or some one on his behalf, shall be served upon the employer, either by delivering to and leaving with him a copy of such notice, or by mailing to him by registered mail a copy thereof in a sealed and postpaid envelope addressed to him at his last known place of business or residence. Such mailing shall constitute completed service: *Provided, however*, That any payment of compensation under sections 2394-1 to 2394-31, inclusive, in whole or in part, made by the employer before the expiration of said thirty days, shall be equivalent to the notice herein required: *And provided further*, That the failure to give any such notice, or any defect or inaccuracy therein, shall not be a bar to recovery under this act if it is found as a fact in the proceedings for collection of the claim that there was no intention to mislead the employer, and that he was not in fact misled thereby: *And provided further*, That if no such notice is given and no payment of compensation made, within two years from the date of the accident, the right to compensation therefor shall be wholly barred.

**Medical examinations.**

Sec. 2394-12. Wherever in case of injury the right to compensation under sections 2394-1 to 2394-31, inclusive, would exist in favor of any employee, he shall, upon the written request of his employer, submit from time to time to examination by a regular

practicing physician, who shall be provided and paid for by the employer, and shall likewise submit to examination from time to time by any regular physician selected by said industrial accident board, or a member or examiner thereof. The employee shall be entitled to have a physician, provided and paid for by himself, present at any such examination. So long as the employee, after such written request of the employer, shall refuse to submit to such examination, or shall in any way obstruct the same, his right to begin or maintain any proceeding for the collection of compensation shall be suspended; and if he shall refuse to submit to such examination after direction by the board, or any member or examiner thereof, or shall in any way obstruct the same, his right to the weekly indemnity which shall accrue and become payable during the period of such refusal or obstruction, shall be barred. Any physician who shall make or be present at any such examination may be required to testify as to the results thereof.

Sec. 2394-13. There is hereby created a board which shall be known as the industrial accident board. [This board is superseded by the industrial commission created by chapter 435, acts of 1911, all the duties of the board devolving upon said commission.]

Sec. 2394-14. \* \* \* The board, when it shall deem it necessary to expedite its business, may from time to time employ one or more expert examiners for such length of time as may be required, such examiners to be exempt from the operation of sections 990-1 to 990-32, inclusive, of the statutes. \* \* \*

Sec. 2394-15. Any dispute or controversy concerning compensation under sections 2394-1 to 2394-31, inclusive, including any in which the State may be a party, shall be submitted to said industrial accident board in the manner and with the effect provided in sections 2394-1 to 2394-31, inclusive. Every compromise of any claim for compensation under sections 2394-1 to 2394-31, inclusive shall be subject to be reviewed by, and set aside, modified, or confirmed by the board upon application made within one year from the time of such compromise.

Sec. 2394-16. Upon the filing with the board by any party in interest of an application in writing stating the general nature of any claim as to which any dispute or controversy may have arisen, it shall fix a time for the hearing thereof, which shall not be more than forty days after the filing of such application. The board shall cause notice of such hearing, embracing a general statement of such claim, to be given to each party interested, by service of such notice on him personally or by mailing a copy thereof to him at his last known postoffice address at least ten days before such hearing. Such hearing may be adjourned from time to time in the discretion of the board, and hearings may be held at such places as the board shall designate. Either party shall have the right to be present at any hearing, in person or by attorney, or any other agent, and to present such testimony as may be pertinent to the controversy before the board; but the board may, with or without notice to either party, cause testimony to be taken, or an inspection of the premises where the injury occurred to be had, or the time books and pay roll of the employer to be examined by any member of the board or any examiner appointed by it, and may from time to time direct any employee claiming compensation to be examined by a regular physician; the testimony so taken, and the results of any such inspection or examination, to be reported to the board for its consideration upon final hearing. The board, or any member thereof, or any examiner appointed thereby, shall have power and authority to issue subpoenas, to compel the 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 circuit court of any county.

Sec. 2394-17. After final hearing by said board, it shall make and file (1) its findings upon all the facts involved in the controversy, and (2) its award, which shall state its determination as to the rights of the parties. Pending the hearing and determina-

Who to administer act.

Examiners.

Disputes.

Procedure.

Findings and award.

tion of any controversy before it, the board shall have power to order the payment of such, or any part, of the compensation, which is or may fall due, as to which the party from whom the same is claimed does not deny liability in good faith within ten days after the giving of notice of hearing provided for in the preceding section; and if the same shall not be paid as required by such order, the facts with respect to the liability therefor, and the determination of the board as to the rights of the parties, shall be embraced in, and constitute a part of, its finding and award; and the board shall have the power to include in its award, as a penalty for noncompliance with any such order, not exceeding twenty-five per cent of each amount which shall not have been paid as directed thereby.

**Judgment.** Sec. 2394-18. Either party may present a certified copy of the award to the circuit court for any county, whereupon said court shall, without notice, render a judgment in accordance therewith; which judgment, until and unless set aside as hereinafter provided, shall have the same effect as though duly rendered in an action duly tried and determined by said court, and shall, with like effect, be entered and docketed.

**Court review.** Sec. 2394-19. The findings of fact made by the board acting within its powers shall, in the absence of fraud, be conclusive; and the award, whether judgment has been rendered thereon or not, shall be subject to review only in the manner and upon the grounds following: Within twenty days from the date of the award, any party aggrieved thereby may commence, in the circuit court of Dane County, an action against the board for the review of such award, in which action the adverse party shall also be made defendant. In such action a complaint, which shall state the grounds upon which a review is sought, shall be served with the summons. Service upon the secretary of the board, or any member of the board, shall be deemed completed service. The board shall serve its answer within twenty days after the service of the complaint, and, within the like time, such adverse party shall, if he so desires, serve his answer to said complaint. With its answer, the board shall make return to said court of all documents and papers on file in the matter, and of all testimony which may have been taken therein, and of its findings and award. Said action may thereupon be brought on for hearing before said court upon such record by either party on ten days' notice to the other; subject, however, to the provisions of law for a change of the place of trial or the calling in of another judge. Upon such hearing, the court may confirm or set aside such award; and any judgment which may theretofore have been rendered thereon; but the same shall be set aside only upon the following grounds:

**Jurisdiction.**

1. That the board acted without or in excess of its power.
2. That the award was procured by fraud.
3. That the findings of fact by the board do not support the award.

**Power of court.** Sec. 2394-20. Upon the setting aside of any award the court may recommit the controversy and remand the record in the case to the board, for further hearing or proceedings; or it may enter the proper judgment upon the findings, as the nature of the case shall demand. An abstract of the judgment entered by the trial court upon the review of any award shall be made by the clerk thereof upon the docket entry of any judgment which may theretofore have been rendered upon such award, and transcripts of such abstract may thereupon be obtained for like entry upon the dockets of the courts of other counties.

**Appeals.** Sec. 2394-21. Said board, or any party aggrieved by a judgment entered upon the review of any award, may appeal therefrom within the time and in the manner provided for an appeal from the orders of the circuit court; but all such appeals shall be placed on the calendar of the supreme court and brought to a hearing in the same manner as State causes on such calendar.

**Fees.** Sec. 2394-22. No fees shall be charged by the clerk of any court for the performance of any official service required by

sections 2394-1 to 2394-31, inclusive, except for the docketing of judgments and for certified copies of transcripts thereof. In proceedings to review an award, costs as between the parties shall be allowed or not in the discretion of the court, but no costs shall be taxed against said board. In any action for the review of an award, and upon any appeal therein to the supreme court, it shall be the duty of the attorney general, personally, or by an assistant, to appear on behalf of the board, whether any other party defendant shall have appeared or be represented in the action or not. Unless previously authorized by the board, no lien shall be allowed, nor any contract be enforceable, for any contingent attorney's fee for the enforcement or collection of any claim for compensation where such contingent fee, inclusive of all taxable attorneys' fees paid or agreed to be paid for the enforcement or collection of such claim, exceeds ten per cent of the amount at which such claim shall be compromised, or of the amount awarded, adjudged, or collected.

Sec. 2394-23. No claim for compensation under sections 2394-1 to 2394-31, inclusive, shall be assignable before payment, but this provision shall not affect the survival thereof; nor shall any claim for compensation, or compensation awarded, adjudged, or paid, be subject to be taken for the debts of the party entitled thereto.

Assignments.

Sec. 2394-24. The whole claim for compensation for the injury or death of any employee or any award or judgment thereon, shall be entitled to a preference over the unsecured debts of the employer hereafter contracted, but this section shall not impair the lien of any judgment entered upon any award.

Claims preferred.

Sec. 2394-25. The making of a lawful claim against an employer for compensation under section 2394-1 to 2394-31, inclusive, for the injury or death of his employee shall operate as an assignment of any cause of action in tort which the employee or his personal representative may have against any other party for such injury or death; and such employer may enforce in his own name the liability of such other party.

Employer's rights.

Sec. 2394-26. Nothing in sections 2394-1 to 2394-31, inclusive, shall affect the organization of any mutual or other insurance company, or any existing contract for insurance of employers' liability, nor the right of the employer to insure in mutual or other companies, in whole or in part, against such liability, or against the liability for the compensation provided for by section 2394-1 to 2394-31, inclusive, or to provide by mutual or other insurance, or by arrangement with his employees, or otherwise, for the payment to such employees, their families, dependents, or representatives, of sick, accident, or death benefits in addition to the compensation provided for by sections 2394-1 to 2394-31, inclusive. But liability for compensation under sections 2394-1 to 2394-31, inclusive, shall not be reduced or affected by any insurance, contribution, or other benefit whatsoever, due to or received by the person entitled to such compensation, and the person so entitled shall, irrespective of any insurance or other contract, have the right to recover the same directly from the employer; and in addition thereto, the right to enforce in his own name, in the manner provided in sections 2394-1 to 2394-31, inclusive, the liability of any insurance company which may, in whole or in part, have insured the liability for such compensation: *Provided, however,* That payment in whole or in part of such compensation by either the employer or the insurance company, shall, to the extent thereof, be a bar to recovery against the other of the amount so paid: *And provided further,* That as between the employer and the insurance company, payment by either directly to the employee, or to the person entitled to compensation, shall be subject to the conditions of the insurance contract between them.

Insurance.

Sec. 2394-27. Every contract for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of sections 2394-1

Insurance contracts construed.

to 2394-31, inclusive, and provisions thereof inconsistent with sections 2394-1 to 2394-31, inclusive, shall be void. No company shall enter into any such contract of insurance unless such company shall have been approved by the commissioner of insurance, as provided by law. For the purpose of sections 2394-1 to 2394-31, inclusive, each employee shall constitute a separate risk within the meaning of section 1898d of the statutes.

Employer re-  
lieved from lia-  
bility, how.

Sec. 2394-28. Any employer against whom liability may exist for compensation under sections 2394-1 to 2394-31, inclusive may, with the approval of the industrial accident board, be relieved therefrom by:

1. Depositing the present value of the total unpaid compensation for which such liability exists, assuming interest at three per centum per annum, with such trust company of this State as shall be designated by the employee (or by his dependents, in case of his death, and such liability exists in their favor), or in default of such designation by him (or them) after ten days' notice in writing from the employer, with such trust company of this State as shall be designated by the board; or

2. By the purchase of an annuity, within the limitations provided by law, in any insurance company granting annuities and licensed in this State, which may be designated by the employee, or his dependents, or the board, as provided in subsection 1 of this section.

Forms, rec-  
ords, etc.

Sec. 2394-29. The board shall cause to be printed and furnished free of charge to any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient administration of sections 2394-1 to 2394-31, inclusive; it shall provide a proper record book in which shall be entered and indexed the name of every employer who shall file a statement of election under sections 2394-1 to 2394-31, inclusive, and the date of the filing thereof, and a separate book in which shall be entered and indexed the name of every employer who shall file his notice of withdrawal of such election, and the date of the filing thereof; and books in which shall be recorded all orders and awards made by the board; and such other books or records as it shall deem required by the proper and efficient administration of sections 2394-1 to 2394-31, inclusive; all such records to be kept in the office of the board. Upon the filing of a statement of election by an employer to become subject to the provisions of sections 2394-1 to 2394-31, inclusive, the board shall forthwith cause notice of the fact to be given to his employees, by posting such notice thereof in several conspicuous places in the office, shop, or place of business of the employer, or by publishing, or in such other manner as the board shall deem most effective; and the board shall likewise cause notice to be given of the filing of any withdrawal of such election; but notwithstanding the failure to give, or the insufficiency of, any such notice, knowledge of all filed statements of election and notices of withdrawal of election, and of the time of the filing of the same, shall conclusively be imputed to all employees.

Act con-  
strued.

Sec. 2394-31. The legislature intends the contingency in subdivision 2 of section 2394-1 to be a separable part of said section, and the subdivision likewise separable from the rest of the act, and that part of said section 2394-1 that follows subdivision 2, likewise separable from the rest of sections 2394-1 to 2394-31, inclusive; so that any part of said subdivision, or the whole, or that part which follows said subdivision 2, may fail without affecting any other part of sections 2394-1 to 2394-31, inclusive.

In effect,  
when.

SEC. 2. Sections 2394-3 to 2394-32, inclusive, shall take effect and be in force from and after the passage and publication of this act, and the entire act shall be in force from and after September 1st, 1911.

Repeal.

SEC. 3. All acts or parts of acts inconsistent with this act are to be deemed replaced by this act, and to that end are hereby repealed.

Approved May 3, 1911.

CHAPTER 84.—*Accident insurance.*

SECTION 1. There is added to the Statutes a new section to read: What policy must contain.

Section 1960. 1. On and after the first day of January, nineteen hundred and twelve, no policy of insurance, against any of the risks specified in subsections 4 and 5 of section 1897 shall be issued or delivered in this State by any domestic or foreign company: \* \* \*

(d) unless it contains, in substance, the following provisions:

\* \* \* \* \*

(6) That, if the insured is injured or contracts disease after having changed his occupation to one classified by the corporation as more hazardous than that stated in the policy or while he is doing any act or thing pertaining to any occupation so classified (except ordinary duties about his residence or while engaged in recreation), the corporation shall pay such proportion of the indemnities provided in the policy as the premium paid would have purchased at the rate and within the limits fixed by the corporation for such more hazardous occupation according to the corporation's rates and classification of risks filed with the superintendent of insurance prior to the occurrence of the injury or the commencement of the disease for which indemnity is claimed. Provision as to change of occupation.

5. Nothing in this section, however, shall apply to or affect any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, copartnership, association, or individual employer, police or fire department, underwriters' corps, salvage bureau, or like associations or organizations, where the officers, members, or employees or classes of departments thereof are insured against specified accidental bodily injuries or diseases while exposed to the hazards of the occupation or otherwise, in consideration of a premium intended to cover the risks of all the persons insured under such policy. Blanket policies exempt.

\* \* \* \* \*

Approved May 5, 1911.

CHAPTER 125.—*Sunday labor—Newspapers.*

SECTION 1. There is added to the Statutes a new section to read: Section 4595m.

\* \* \* \* \*

2. In any action to recover compensation for labor performed on any newspaper dated, published or issued on the first day of the week, it shall be no defense that such labor was performed on the first day of the week. Wages may be recovered.

Approved May 10, 1911.

CHAPTER 170.—*Factory, etc. regulations—Ventilation.*

SECTION 1. There are added to the Statutes three new sections to read:

Section 1636-32 1. In factories, mills, workshops, mercantile or mechanical establishments, the windows shall be so arranged that they will permit of the sufficient circulation of fresh air from the outside of the building during working hours, and shall be so constructed as to prevent direct drafts striking the employees working therein. Where the circulation of fresh air can not be satisfactorily secured through an arrangement of the windows, any system of ventilation may be installed that will keep the air therein free from substances and qualities injurious to the health or comfort of the employees, if approved by the bureau of labor and industrial statistics. Windows. Ventilation system.

Sec. 1636-32 m. Every factory inspector and every assistant factory inspector charged with the inspection of factories, mills, workshops, mercantile or mechanical establishments, shall investi- Inspection.

gate the system of ventilation in every plant inspected, and wherever same is not found to comply with the provisions of this act, written notice thereof shall be given to the owner or owners thereof, or to the officer or officers, if said factories, mills, workshops, mercantile or mechanical establishments be corporations. Whenever the owner or owners of said factories, mills, workshops, mercantile or mechanical establishments, or officer or officers of said plants do not take steps to remedy the system of ventilation, after written notice of defects thereof has been given in accordance with the provisions of this act, said owner or owners thereof, or the officer or officers thereof shall be punished by a fine not less than twenty-five dollars, nor more than five hundred dollars, or by imprisonment not less than thirty days, nor more than six months, or by both such fine and imprisonment.

**Enforcement.** Sec. 1636-32 n. It shall be the duty of the district attorney of every county in this State to prosecute all violations of this act upon complaint of any factory inspector or deputy.

Approved May 19, 1911.

**CHAPTER 171.—Hours of labor on public works—Eight-hour day.**

**SECTION 1.** Sections 1729m and 1729n of the Statutes are amended to read:

**Contract must contain what.**

**Section 1729m. 1.** Each and every contract hereafter made for the erection, construction, remodeling or repairing of any public building or works, to which the State or any officer or agent thereof is a party, which may involve the employment of laborers, workmen or mechanics, shall contain a stipulation that no laborer, workman or mechanic in the employ of the contractor, subcontractor, agent or other person, doing or contracting to do all or a part of the work contemplated by the contract, shall be permitted to work more than eight hours in any one calendar day, except in cases of extraordinary emergencies.

**Extraordinary emergencies.**

**2.** The phrase "extraordinary emergencies," as used in this section, shall mean and include only such as grow out of the necessity of protecting property or human life when endangered by reason of an attack by the public enemy or endangered from fire, flood or storm.

**Scope of law.**

**3.** This section shall apply only to such work as is actually performed on the premises on which such buildings or works are being erected, constructed, remodeled or repaired.

**Violations.**

**Sec. 1729n. 1.** Any officer, any member of any board or commission or any agent of the State of Wisconsin or any person acting under or for such officer, agent, board, commission or member thereof, or any contractor, subcontractor, corporation, copartnership, firm or person, or any agent thereof, who violates any of the provisions of sections 1729m and 1729n of the statutes shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

**2.** Any person, who as an officer or a member of a board or commission, or as agent of such officer, board or commission, who executes a contract violating any of the provisions of sections 1729m and 1729n of the statutes, shall be deemed to be the party who has violated the provisions of sections 1729m and 1729n of the statutes, and shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the punishment herein provided for.

**3.** Any contractor, subcontractor, corporation, copartnership, firm or person, or any agent thereof, who after executing a contract under the provisions of sections 1729m and 1729n of the statutes shall allow or permit any laborer, workman or mechanic in his, its or their employ or in the employment of any contractor, subcontractor, agent or other person under his, its or their control or direction, to work more than eight hours in any one calendar

day, except in cases of extraordinary emergencies, shall be deemed to have violated the provisions of sections 1729m and 1729n of the statutes and shall be subject to the punishment herein provided for.

4. Whenever it shall be ascertained that any laborer, workman, mechanic or other person worked more than eight hours in any calendar day in violation of subsections 1 and 2, of section 1729m, the proof of such fact shall be prima facie proof that such laborer, workman, mechanic or other person was so required or permitted to work.

Proof.

Approved May 19, 1911.

CHAPTER 252.—Occupational diseases—Reports.

SECTION 1. There is added to the Statutes a new section to read:

Section 1022-53m. 1. Every medical practitioner in this State attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury or their compounds, or from compressed air illness, contracted as a result of the nature of the patient's employment, shall send to the secretary of the State board of health and bureau of vital statistics a notice, stating the name and full postal address and place of employment of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering.

Physicians to report certain diseases.

2. If any medical practitioner fails to comply with the provisions of this section, he shall be liable to a fine not exceeding ten dollars.

Penalty.

3. It shall be the duty of the commissioner of labor and industrial statistics to enforce the provisions of this section, and he may call upon the State and local boards of health for assistance.

Enforcement.

Approved June 2, 1911.

CHAPTER 297.—Railroads—Block signals.

SECTION 1. There are added to the Statutes two new sections to read:

Section 1797-9a. It shall be the duty of every railroad to adopt reasonably adequate safety measures and install, operate, and maintain reasonably adequate safety devices for the protection of life and property. If, after investigation, the [railroad] commission shall determine that public safety requires the installation, operation, and maintenance of a block system or other safety device or measure by any railroad, the commission may, after notice and hearing as provided in section 1797-12, order such railroad to install, operate, and maintain a block system or other safety device or measure as may be necessary to render the operation of such railroad reasonably safe.

Safety measures to be adopted.

Power of commission.

Section 1797-9b. The commission may establish reasonable rules, regulations, specifications, and standards for the installation, operation, and maintenance of all safety devices and measures.

Rules, etc.

Approved June 7, 1911.

CHAPTER 330.—Factory, etc. regulations—Sanitation.

SECTION 1. There is added to the Statutes a new section to read:

Section 1416-4a. 1. It shall be the duty of the owner and occupant, and every person in charge of any \* \* \* factory, workshop \* \* \* to keep the same in a clean and sanitary condition. In order to promote the general health, whenever ordered by the local health department or board, it shall be the duty of every such person to furnish and place in an efficient manner, in every such building, a reasonable number of cuspidors, as required or prescribed by the order of said health department or board,

Duty of owners, etc.

Cuspidors.

and to thoroughly cleanse and disinfect the same daily, except when such building is closed to the public or is not in ordinary use.

2. The type of cuspidors to be used and a reasonable system, method or manner of cleansing and disinfecting the same may be prescribed by the local health department or board: *Provided*, That any cuspidors and system so prescribed shall be reasonably inexpensive, and shall be such as to fulfill the requirements of the highest sanitary efficiency.

Local boards  
of health.

3. The powers and duties conferred upon all local health departments or boards by this section shall be in addition to all powers and duties already conferred upon such boards, and this section shall not be construed as lessening or abrogating such powers and duties in any manner.

Violations.

4. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five nor more than one hundred dollars.

Approved June 14, 1911.

CHAPTER 364.—*Employment of labor—False representations.*

Influencing  
by false state-  
ments.

SECTION 1. There is added to the statutes a new section to read: Section 17290. 1. It shall be unlawful for any person, partnership, company, corporation, association or organization of any kind, doing business in this State, directly or through any agent or attorney, to induce, influence, persuade or engage any person to change from one place to another in this State, or to change from any place in any State, Territory or county to any place in this State, to work in any branch of labor, through or by means of knowingly false representations, whether spoken, written or advertised in printed form, concerning the kind or character of such work, the compensation therefor, the sanitary conditions relating to or surrounding it, or the existence or non-existence of any strike, lockout or other labor dispute affecting it, and pending between the proposed employer or employers and the persons then or last theretofore engaged in the performance of the labor for which the employee is sought.

Penalty.

2. Any violation of this section shall be deemed a misdemeanor and shall be punished by a fine of not less than fifty dollars, nor more than one thousand dollars, or by imprisonment in the State prison for not more than one year, or by both such fine and imprisonment.

Approved June 15, 1911.

CHAPTER 378.—*Factory, etc., regulations—Doors to open outward.*

Doors not to  
be locked.

[This chapter amends 4390, Wisconsin Statutes, by providing that doors through which employees must pass to gain access to the outside of the building in which they are employed must remain unlocked during working hours.]

Approved June 15, 1911.

CHAPTER 396.—*Liability of employers for injuries to employees—Duty of employer.*

[This chapter amends section 1636j], Wisconsin Statutes, by adding subsection 2, as follows:]

Statutory  
duty absolute.

2. The duty to guard or protect the machinery or appliances, or the premises or place where said employee was employed, in the manner required in the foregoing section, as well as the duty of maintaining the same after installation, shall be absolute. The exercise of ordinary care on the part of the employer shall not be deemed a compliance with such duties.

Approved June 16, 1911.

CHAPTER 407.—*Factory, etc., regulations—Sanitation.*

SECTION 1. There is added to the statutes a new section to read:  
 Section 1418m. 1. Spitting \* \* \* upon the floor of any  
 \* \* \* store, factory, or of any building which is used in com- Spitting.  
 mon by the public, \* \* \* is hereby forbidden.  
 2. The corporations or persons owning or having the manage- Notice.  
 ment or control of any such building, store, factory, \* \* \*  
 are hereby required to keep permanently posted in each of said  
 places a sufficient number of notices forbidding spitting upon  
 the floors and calling attention to the provisions of this section.  
 3. The corporations or persons owning or having the manage- Cuspidors.  
 ment or control of such buildings, stores, factories, \* \* \* are  
 hereby required to provide sufficient and proper receptacles for  
 expectoration, and also to provide for the cleansing and disinfection  
 of said receptacles at least once every twenty-four hours.  
 4. Any violation of any of the provisions of this section or Violations.  
 failure or neglect to comply with said provisions, shall be pun-  
 ished by a fine not exceeding two hundred dollars, or by imprison-  
 ment in the county jail not more than six months, or by both fine  
 and imprisonment.

Approved June 16, 1911.

CHAPTER 419.—*Free public employment offices.*

[This chapter amends section 926-162, Wisconsin Statutes, by Assistant su-  
 authorizing the appointment of an assistant superintendent at perintendents.  
 any branch office where necessary.]

CHAPTER 439.—*Employment of children—Street trades.*

[This chapter amends sections 1728p-1728za, Wisconsin Statutes,  
 (added in 1909.)

Section 1728p is amended to read as follows:]

Section 1728p. The term "street trade," as used in [sections Definition.  
 1728p to 1728za, inclusive,] shall mean any business or occupation  
 in which any street, alley, court, square or other public place is  
 used for the sale, display or offering for sale of any articles,  
 goods or merchandise. No boy under the age of twelve years, and Age of news-  
 no girl under the age of eighteen years, shall in any city of the boys and girls.  
 first class distribute, sell or expose or offer for sale newspapers,  
 magazines or periodicals in any street or public place.

[Section 1728q is amended by raising from 12 to 14 years the Other street  
 age at which boys in cities of the first class may engage in other trades.  
 street employments than that of newsboy.

Section 1728r is amended by raising the age of girls from 16  
 to 18 years as the minimum for street trades of any sort.

Section 1728s is amended by requiring boys under 16 years of Permits.  
 age (instead of 14 as formerly) to secure permits for engaging in  
 street trades, and such permits are to be issued by the State  
 factory inspector only. A change in accordance with this restric-  
 tion is made in section 1728t. Proof of age is limited in the latter  
 section and is restricted to baptismal or birth certificates, or the  
 record of the first school enrollment.

Section 1728u is amended by adding thereto the following:]

Section 1728u. \* \* \* *Provided*, That in case of carrier boys Carriers.  
 working on salary for newspaper publishers delivering papers, a  
 card of identification shall be issued to such carriers by the  
 factory inspector, which they shall carry on their person, and ex-  
 hibit to any officer authorized under sections 1728p to 1728za,  
 inclusive, who may accost them for a disclosure of their right to  
 serve as such carriers.

[Sections 1728v, 1728w, and 1728x are amended to read as  
 follows:]

Section 1728v. The badge provided for herein shall be such as Badges.  
 the State factory inspector shall designate and shall be worn  
 conspicuously in sight at all times in such position as may be

designated by the said factory inspector by such child while so working. No child to whom such permit and badge or identification card are issued shall transfer the same to any other person.

**Night work.** Sec. 1728w. No boy under fourteen years of age shall, in any city of the first class, sell, expose or offer for sale any newspapers, magazines or periodicals after the hour of six-thirty o'clock in the evening, between the first day of October and the first day of April, nor after seven-thirty o'clock in the evening between the first day of April and the first day of October, or before five o'clock in the morning; and no child under sixteen years of age shall distribute, sell, expose or offer for sale any newspapers, magazines or periodicals or shall work as a bootblack or in any street or public trades or distribute hand bills or shall be employed or permitted to work in the distribution or sale or exposing or offering for sale of any newspapers, magazines or periodicals or as a bootblack or in other street or public trades or in the distribution of hand bills during the hours when the public schools of the city where such child shall reside are in session. *Provided,* That any boy between the ages of fourteen and sixteen years, who is complying and shall continue to comply with all the legal requirements concerning school attendance, and who is mentally and physically able to do such delivery besides his regular school work, shall be authorized to deliver newspapers between the hours of four and six in the morning.

**Work during school hours.**

**Proviso.** Sec. 1728x. The commissioner of labor or any factory inspector acting under his direction shall enforce the provisions of sections 1728p to 1728za, inclusive, and he is hereby vested with all powers requisite therefor.

**Enforcement.** [Section 1728y is amended by adding as a ground for suspension of permit that of becoming delinquent or failing to comply with the requirements concerning school attendance.

**Suspension of permits.** Sections 1728z and 1728za are amended to read as follows:]

**Violations.** Section 1728z. Any parent or other person who employs a minor under the age of sixteen years in peddling without a license or who, having the care or custody of such minor, suffers or permits the child to engage in such employment, or to violate sections 1728p to 1728za, inclusive, shall be punished by a fine not to exceed one hundred dollars nor less than twenty-five dollars, or by his commitment to the county jail for not more than sixty days or less than ten days.

**Certificates required.** Section 1728za. Providing that no badge shall be issued for a boy selling papers between the ages of twelve and sixteen years by the State factory inspector, except upon certificate of the principal of either public, parochial or other private school attended by said boy, stating and setting forth that said boy is a regular attendant upon said school. No boy under the age of sixteen years shall be permitted by any newspaper publisher or printer or persons having for sale newspapers or periodicals of any character, to loiter or remain around any salesroom, assembly room, circulation room or office for the sale of newspapers, between the hours of nine in the forenoon and three in the afternoon, on days when school is in session. Any newspaper publisher, printer, circulation agent or seller of newspapers shall upon conviction for permitting newsboys to loiter or hang around any assembly room, circulation room, salesroom or office where papers are distributed or sold, shall be punished by a fine not to exceed one hundred dollars nor less than twenty-five dollars, or by commitment to the county jail for not more than sixty days or less than ten days.

**Loitering forbidden.**

Approved June 24, 1911.

CHAPTER 441.—*Factory, etc., regulations—Fire escapes.*

SECTION 1. Section 1636-4 of the Statutes is amended to read: Section 1636-4.

\* \* \* \* \*

**Fireproof** 2. There shall be provided and kept connected with \* \* \*  
**stairways re-** every factory, workshop or other structure, three or more stories  
**quired.**

high, in which ten or more persons may be employed above the ground floor, at any kind of labor, one or more good and substantial metallic or fireproof stairs or stairways, ready for use at all times, reaching from the cornice to the top of the first story and attached to the outside thereof in such reasonable position and number as to afford reasonable safe and convenient means of egress and escape in case of fire.

3. All fire-escape stairways shall be placed at an angle not more than forty-five degrees, shall have attached thereto a wrought iron hand rail, not less than three feet in height; be constructed with steps not less than six inches in width, nor less than twenty-two inches in length, and with a rise of not more than eight inches, and constructed of sufficient strength, and in all other respects shall afford an accessible and safe exit and escape in case of fire, for all occupants of the building that may at any time be dependent thereon. Such stairs shall rest upon and be securely bolted to wrought iron balcony, that shall be located at each floor above the first, access to be provided to such balcony from at least two windows. Such balcony shall rest upon and be securely bolted to wrought iron brackets, the upper arm of which shall go through the wall and be securely fastened with nut and washer, and the lower end of which shall be let into the wall and be securely fastened in place. Such balcony shall not be less than three feet four inches wide, and shall be provided with a wrought iron railing not less than two feet nine inches high, and in all cases the ends of said railing shall be securely fastened to the building. No balcony railing shall be connected at angles by cast iron. All said fire escape stairs shall be of such strength and construction as will sustain a load of at least one hundred and fifty pounds per step; and all said fire-escape balconies shall sustain a load of eighty pounds per square foot. There shall be afforded at all times free and unobstructed passageway to such fire escape. The balcony on the top floor shall be provided with a goose-neck ladder leading to and above the roof, also to be placed at an angle of forty-five degrees. The lowest balcony shall be provided with a permanent balance stairway reaching to the ground.

Construction.

4. Nothing in this section shall be construed to require existing iron ladders or other fire escapes to be replaced by iron stairs or stairways, but no existing ladder shall be replaced except by iron stairs or stairways. Nor shall anything in this section prohibit the use of such spiral or chute fire escapes, as may be approved by the State factory inspector or commissioner of labor.

Existing provisions.

5. In all cities and villages where there is a water supply, either from waterworks, fire engines or pumping station, there shall be attached to such fire escapes, except on structures equipped with automatic sprinklers, a three-inch wrought iron standpipe extending from a point within five feet from the ground to a point three feet above the roof or cornice, and on the roof shall be attached a two and one-half inch angle hose valve with male hose connection and a double or Siamese "Y" female hose connection at the base of the pipe, the threads of which shall conform to the size and pattern used by the fire department where the structure is located.

Standpipes.

6. Any architect, who shall fail to specify fire escapes as herein provided in plans for such buildings as are herein enumerated, or any person, firm or corporation, who shall move into or occupy any new building (or any old building having once been vacated) without such building or buildings being equipped with fire escapes as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars, or six months in the county jail, or both such fine and imprisonment.

Violations by architects.

\* \* \* \* \*

8. All hallways and stairways in all \* \* \* factories and workshops, when used at night, shall be kept lighted at the head and foot of each flight of stairs and at the intersection of all corridors.

Lights.

Such light shall be so placed and arranged as to designate the direction of fire escapes, which fire escapes shall be designated by red lights. One or more gongs or alarms, capable of being heard throughout the building, shall be placed and remain easy of access and ready for use in said \* \* \* factories and workshops to give notice to occupants of said places in case of fire. A notice descriptive of the means of escape shall be posted in conspicuous places in every factory and workshop \* \* \*.

**Violations.**

9. Any such person or corporation, who shall fail for three months after the receipt of notice in writing, stating the substance of the provisions of this section, from such chief, marshal or inspector to provide and keep such means of escape or such stand-pipe, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not more than thirty days.

Approved June 24, 1911.

**CHAPTER 446.—Factory regulations—Bakeries, confectioneries, etc.**

SECTION 1. Sections 1636-61, 1636-62, and 1636-64 of the Statutes are amended to read:

**Sanitation.**

Section 1636-61. 1. All buildings occupied for bakeries and confectionery establishments, and all buildings or rooms connected with, or part of such bakeries or confectionery establishments and used for storage of goods that are intended to be used in the preparation of the products of such establishments or for storage of the products of such establishments shall be well drained, and all plumbing therein, if any, shall be constructed in accordance with well established sanitary principles and of good workmanship; and the rooms thereof used for the manufacture, storage, or sale of bread and other food products, or for the storage of goods that are intended to be used in the preparation of such bread and other food products, shall be light, dry, and airy. \* \* \*

**Location of water-closets, etc.**

2. No water-closet, earth closet, privy, urinal or ash pit shall be within the bake room or any other room used in the manufacture of bread or other food products in any bakery or confectionery establishment. All water-closets, urinals, or privies connected with, part of, or within any building used as a bakery or confectionery shall be so arranged that gases or odors out of said closets, urinals, or privies connected with, part of, or within any closets, urinals, or privies cannot enter into any room used in the production or storage of food in any bakery or confectionery, and such closets, privies, or urinals shall be equipped with efficient natural or mechanical means of removing all odors or gases into the outer air.

**Toilet rooms.**

Section 1636-62. 1. All bakeries and confectioneries shall be provided with ample toilet facilities apart from the utensils used in the preparation of said foods to enable the workmen employed therein to keep their persons clean. Said bakeries and confectioneries shall also be provided with a separate place to enable the workmen to change their clothes and keep the same in a proper condition. \* \* \* The air within such bakery or confectionery establishment shall at all times be kept pure and free from noxious odors and harmful gases.

**Sleeping rooms.**

2. No room used as a bakery or confectionery shall be used as a habitation or sleeping place by any person, and such rooms used as bakeries or confectioneries shall not be used for any purpose except those incidental to the manufacture, storage, or sale of the products of such bakery or confectionery establishments.

**Clothing.**

3. All persons engaged in the manufacture of bread or other food products in bakery or confectionery establishments shall provide themselves with caps and slippers or shoes and an external suit of washable material, and wear these garments while engaged in the preparation, packing, or handling of food in or

about bakeries or confectioneries, said garments to be used for that purpose only and to be kept at all times in a clean condition.

4. No food shall be prepared, handled, or cared for in any unclean manner or near any filthy object in any bakery or confectionery establishment, nor by any person wearing filthy clothing, nor by any person afflicted with a loathsome or venereal disease. \* \* \* No person shall defoul any room or any utensil used in the preparation of food in any bakery or confectionery establishment.

Cleanliness.  
Diseased persons.

\* \* \* \* \*

Section 1636-64. No person shall work or be employed in or about any bakery or confectionery establishment for the manufacture of food products during the time in which a case of contagious or infectious disease exists in the house in which such person resides, and not thereafter until such house has been properly disinfected: *Provided*, That such persons may be employed if the local board of health issue a certificate in writing that no danger of public [public] contagion or infection would result from the employment of said person in such establishment.

Contagious, etc., diseases.

Approved June 24, 1911.

CHAPTER 453.—*Employment of labor—Investigation of contracts.*

SECTION 1. There are added to the Statutes four new sections to read:

Section 1021o. Whenever complaint shall be made to the bureau of labor and industrial statistics that any contracts or agreements existing between employers and employees, or any rules imposed by employers upon employees are unjust or unfair, or whenever said bureau shall have reason to believe that such injustice or unfairness exists, said bureau shall have authority to investigate all such contracts, agreements and rules, whether written or understood.

Investigation of contracts.

Sec. 1021p. It shall be the duty of every employer of labor to furnish copies of all contracts or agreements provided for in section 1021o upon the demand of any officer, agent or employee of the bureau of labor authorized to investigate said contracts and agreements.

Duty of employers.

Sec. 1021q. Every person, firm or corporation violating any of the provisions of sections 1021o to 1021r, inclusive, or refusing to permit the investigation of the contracts or agreements referred to in sections 1021o and 1021p, or who shall misrepresent any of the provisions of said contracts or agreements, shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment not less than ten days nor more than thirty days, or by both such fine and imprisonment.

Violations.

Sec. 1021r. It shall be the duty of the bureau of labor and industrial statistics to publish annually, in such form as it may deem fit, for the information of the public, all of the available facts obtained under section 1021o, but said publication shall not exceed two hundred and fifty pages.

Reports.

Approved June 27, 1911.

CHAPTER 466.—*Guards for dangerous machinery—Corn shredders.*

SECTION 1. Section 1636-131 of the Statutes is amended to read: Section 1636-131. Any person, firm or corporation who shall sell, offer or expose for sale, or use any machine to be operated by steam, or other power, for the purpose of husking or shredding corn or corn stalks shall provide such machine with safety or automatic feeding devices for the protection from accident by the snapping rollers, husking rollers, and shredding knives of any person using or operating such machine in the discharge of their duty, and such machine shall be so guarded that the person feeding said machine shall be compelled to stand at a safe distance from the snapping rollers; and any person, firm, or corporation operating such machine shall maintain thereon such safety or

Guards required.

**Duty absolute.** automatic feeding devices. The duty to equip such machine with safety or automatic feeding devices, as well as the duty to maintain the same, shall be absolute; and the exercise of ordinary care on the part of such person, firm, or corporation operating such machine shall not be deemed a compliance with such duty; and in case any person in the employ of such person, firm, or corporation operating such machine continues in such employment when such device has not been installed and maintained, as above provided, such employee shall not be deemed guilty of a want of ordinary care, on account of so continuing in such employment.

Approved June 27, 1911.

CHAPTER 469.—*Accidents to be reported.*

SECTION 1. There are added to the Statutes six new sections to read:

**Duty of employers.** Section 2394—35. Every employer of four or more persons shall keep a record of all accidents causing death or disability of any employee, which record shall show such facts in regard to the accident and the person disabled as the industrial board may require; said record to be kept in a book in such form as the industrial accident board<sup>1</sup> may prescribe.

**Insurance, etc., companies.** Sec. 2394—36. Every casualty insurance company, mutual corporation, benefit society, or other person which indemnifies any employer against liability for or on account of any injury of an employee, shall keep a record of all accidents causing death or disability of such employee, which record shall show such facts in regard to the accident and the person disabled as the industrial accident board may require; said record to be kept in a book in such form as the industrial accident board may prescribe.

**Monthly reports.** Sec. 2394—37. Within the first five days of each and every month and at such other times as may be required by the industrial accident board, every employer of four or more persons and every casualty insurance company, mutual corporation, benefit society, or other person which indemnifies any employer against liability for or on account of injury to an employee, shall furnish a report to the industrial accident board, which shall contain a copy of every entry made in said record book during the preceding month, and such other facts in regard to the employees as may from time to time be required by said industrial accident board.

**Records to be open.** Sec. 2394—38. Such record book shall be open at all times to the industrial accident board or any member thereof, or any examiner appointed thereby. Any statement contained in any such record or report shall not be admissible as evidence in any action arising out of the death or accident reported.

**Blanks to be furnished.** Sec. 2394—39. Every employer and every casualty insurance company, mutual corporation, benefit society, or other person which indemnifies any employer against liability for or on account of any injury of an employee, shall, upon request, be furnished by the industrial accident board with a book in which such record may be kept, and blanks for making the reports hereinbefore specified.

**Violations.** Sec. 2394—40. Any person, casualty insurance company, mutual corporation, or benefit society that violates any of the provisions of sections 2394—35 to 2394—40, inclusive, or neglects or fails to furnish reports required to be furnished under said sections, shall forfeit the sum of fifty dollars for each such violation or neglect or failure to furnish such report.

Approved June 27, 1911.

CHAPTER 470.—*Factory regulations—Guards for dangerous machinery.*

**Guards required, when.** [This chapter amends section 1636], Wisconsin Statutes, by adding saws and any revolving appliances to the list of objects to be guarded if so located as to be dangerous to employees.]

Approved June 28, 1911.

<sup>1</sup> Industrial commission: see chapter 485.

CHAPTER 472.—*Accidents on railroads—Reports.*

SECTION 1. Section 1797-30 of the Statutes is amended to read:

Section 1797-30. It shall be the duty of every railroad company to report to the railroad commission all collisions, derailments, or other accidents resulting in injury to persons, equipment, or roadway arising from the operation of such railroad. The railroad commission shall issue such rules concerning the reporting of accidents as may be required, and may also, if it deems that public interests require, cause an investigation of any accident. The cost of such investigation shall be certified by the chairman of the commission, and the same shall be audited and paid by the State in the same manner as other expenses are audited and paid.

Reports required.

Approved June 28, 1911.

CHAPTER 479.—*Employment of children—General provisions.*

SECTION 1. Subsections 1, 2, 3 and 4, of section 1728a, sections 1728a-1, 1728a-2, 1728b, 1728c, 1728d, 1728e, 1728f, 1728g, 1728h and 1728i, of the Statutes, are amended to read:

Section 1728a. 1. No child between the ages of fourteen and sixteen years shall be employed, required, suffered or permitted to work at any time in any factory or workshop, store, hotel, restaurant, bakery, mercantile establishment, laundry, telegraph, telephone or public messenger service, or the delivery of any merchandise or at any gainful occupation, or employment, directly or indirectly, unless there is first obtained from the commissioner of labor, State factory inspector or any assistant factory inspector or from the judge of the county court or municipal court or from the judge of a juvenile court where such child resides, a written permit authorizing the employment of such child within such time or times as the said commissioner of labor, State factory inspector, any assistant factory inspector, county judge, municipal judge, or judge of a juvenile court may fix: *Providing*, That such times shall not conflict with those designated in subsection 1, of section 1728c, and that no officer herein mentioned shall have power to delegate the duty of granting permits to any subordinate officer or other person.

Certificates required.

2. No child under the age of sixteen years shall be employed, required, suffered or permitted to work at adjusting any belt or in oiling or assisting in oiling, wiping or cleaning any machinery when the same is in motion or in operating or assisting in operating or taking material from any circular [circular] or band saw, or any crosscut saw or slasher or other cutting or pressing machine, from which material is taken from behind, wood-shaper, wood-jointer, planer, sandpaper or wood-polishing machine, picker machine, carding machine or machines used in picking wool, cotton, hair or any upholstering material, cylinder or job presses, dough brakes or cracker machinery of any description, laundry machinery, emery or polishing wheel for polishing metal or wood turning machine or stamping machine in sheet-metal and tinware manufacturing, or boring or drill presses or stamping machine in washer and nut factory, stamping machine in lace, paper and leather manufacturing, corrugating rolls in roofing or washboard factories, burnishing machines in any tannery or leather manufactory, wire or iron straightening machinery, rolling mill machinery, punchers or shears or washing, grinding or mixing mill of calender rolls in rubber manufacturing, nor shall any such child be employed at or assist in sewing belts in any capacity, or in the manufacture of paints, colors or white lead, or in the manufacture of any composition in which dangerous or poisonous acids are used, or occupation causing dust, in injurious quantities, or in the manufacture or preparing of compositions of dangerous or poisonous dyes, or in the manufacture or preparing of compositions with dangerous or poisonous gases, or in the manufacture or preparation of compositions of lye, or in which the quan-

Employments prohibited.

tity thereof is injurious to health, or on scaffolding or on a ladder or in heavy work in the building trades, or in the manufacture of any goods for immoral purposes, nor in any tobacco warehouse, cigar or other factory where tobacco is manufactured or prepared or as pin boys in bowling alleys, or in any theater or concert hall, or in operating any steam boiler or steam generating apparatus, or in any other employment dangerous to life or limb, injurious to the health or depraving to the morals of such child; nor shall any female child under sixteen years of age be employed in any capacity where such employment compels her to remain constantly.

Age limit.

3. No child under the age of fourteen years shall be employed, required, suffered or permitted to work at any time in any factory, manufacturing establishment or workshop, store, hotel, restaurant or bakery, mercantile establishment, laundry, telegraph, telephone or public messenger service, delivery or merchandise or at any gainful occupation or employment, directly or indirectly, except as provided in this section.

Vacation employment.

4. No child under the age of fourteen years shall be employed, required, permitted or suffered to work at any gainful occupation or employment at any time except that during the vacation of the public or equivalent school in the town, district or city where any child between the ages of twelve and fourteen years resides, it may be employed in any store, office, mercantile establishment, warehouse, telegraph, telephone or public messenger service in the town, district or city where it resides and not elsewhere: *Provided*, That it shall have first obtained a permit in the same manner and under the same conditions set forth for employment during the regular session of the school, except that for such vacation permit no proof of educational qualification shall be necessary.

Public performances.

Sec. 1728a-1. No child under sixteen years of age shall be employed, required, suffered or permitted to play on any musical instrument, or to sing or perform in a circus, theatrical or musical exhibition, concert or festival, or in any public place, unless there is first obtained from the commissioner of labor, State factory inspector, or assistant factory inspector, county judge, municipal judge or the judge of a juvenile court where the child resides, if such child is a resident of this State, and by a county judge, municipal judge, or judge of a juvenile court of this State if such child is not a resident of the State, a written permit authorizing the appearance of such child at such places, at times as the said commissioner of labor, State factory inspector or any assistant factory inspector, county judge, municipal judge or judge of a juvenile court may fix: *Provided*, That it appears to the satisfaction of such commissioner of labor, State factory inspector or any assistant factory inspector, county judge, municipal judge, or judge of a juvenile court, that the appearance of such child shall not be detrimental to its morals, health, safety, welfare of [or] opportunities for education equivalent to that of the common schools: *Provided, also*, That a child under fourteen years of age shall be accompanied by a parent or guardian, approved by the said commissioner of labor, State factory inspector or any assistant factory inspector, county judge, municipal judge or judge of a juvenile court. But the provisions of this section shall not prevent the education of children in music or their employment as musicians, or participants, in a church, chapel, school or school exhibition or any home-talent exhibition given by people of the local community.

Saloons, etc.

Sec. 1728a-2. No child under sixteen years of age shall be employed, permitted or suffered to work in or about any store, brewery, distillery, bottling establishment, hotel, bar room, saloon, saloon dining room or restaurant, or any place in connection with a saloon or similar place of any name, or in or about any dance hall, bowling alley, pool room, beer garden or similar place of any name in which strong, spirituous or malt liquors are made, bottled, sold or given away.

Sec. 1728b. 1. Every person, firm or corporation, agent or manager of any firm or corporation employing minors in any factory or workshop, store, office, hotel, restaurant, bakery, mercantile establishment, laundry, telegraph, telephone or public messenger service within this State shall keep a register in the place where such minor is employed, and subject at all times to the inspection of any factory inspector, or assistant factory inspector, or truant officer, in which register shall be recorded the name, age, date of birth and place of residence, of every child employed, permitted or suffered to work therein, under the age of sixteen years.

Registers.

2. No person, firm or corporation, agent or manager of any firm or corporation shall hire or employ, permit or suffer to work in any mercantile establishment, factory or workshop, store, office, hotel, restaurant, bakery, laundry, telegraph, telephone or public messenger service, any child under sixteen years of age, unless there is first provided and placed on file in such mercantile establishment, factory, workshop, store, office, hotel, restaurant, bakery, laundry, telegraph, telephone or public messenger service office, a permit granted by the commissioner of labor, State factory inspector, or any assistant factory inspector, or county judge, municipal judge or judge of a juvenile court of the county where such child resides.

Permit required.

Sec. 1728c. 1. No child under the age of sixteen years, shall be employed, required, permitted or suffered to work at any gainful occupation for more than forty-eight hours in any one week, nor more than eight hours in any one day, or before the hour of seven o'clock in the morning, or after the hour of six o'clock in the evening, nor more than six days in any one week. A lunch period of not less than thirty minutes shall be allowed during each day: *Provided*, Nothing in [sections 1728a to 1728j, inclusive,] shall be construed to interfere with the employment of children as provided in sections 1728a-1 and 1728u of the Statutes.

Hours of labor.

Night work.  
Time for meals.

2. Each employer shall post in a conspicuous place in each of the several departments in or for which minors are employed, a list on a printed form furnished by the bureau of labor and industrial statistics or factory inspection department, stating the names, ages and the hours required of each child during each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or other meals begin and end.

List to be posted.

Sec. 1728d. 1. It shall be the duty of the commissioner of labor, the factory inspector and every assistant factory inspector to enforce all the provisions of the statutes regulating or relative to child labor, and to prosecute violations of the same before any justice of the peace or other court of competent jurisdiction in this State. It shall be the duty of the said commissioner of labor and every factory inspector and assistant factory inspector and truant officers, and they are hereby authorized and empowered to visit and inspect, at all reasonable times, and as often as possible, all places covered by [sections 1728a to 1728j, inclusive.] The factory inspector and assistant factory inspector shall have the power of truant officers to enforce all legal requirements relating to school attendance.

Prosecutions.

2. The justices of the peace in the various counties of the State of Wisconsin shall have criminal jurisdiction of actions brought for violations of all statutes regulating or relative to child labor, notwithstanding any statute depriving such justices of the peace in any county of such jurisdiction. Nothing contained herein, however, shall deprive the municipal courts and other courts of record of concurrent jurisdiction, nor shall anything contained herein be construed to give justices of the peace in cities of the first class jurisdiction of such actions.

Jurisdiction.

Sec. 1728e. 1. The commissioner of labor, the factory inspector or assistant factory inspectors, or county judge, municipal judge or judge of a juvenile court, may refuse to grant permits in the case

Physical unfitness.

- of children who may seem physically unable to perform the labor at which they may be employed.
- Permits in duplicate.** 2. All permits provided for under [sections 1728a to 1728j, inclusive,] shall be issued upon blanks furnished by the commissioner of labor and shall be made out in duplicate. One of such duplicates shall be forthwith returned to the commissioner of labor, together with a detailed statement of the character and substance of the evidence offered prior to the issue of such permit. Such statement so forwarded shall be upon blanks furnished by the commissioner of labor, and shall contain such details as to such evidence, and shall fully reveal its character and substance as indicated in such blank.
- Revocation.** 3. Whenever it shall appear to the commissioner of labor that any permit has been improperly or illegally issued, or that the physical or moral welfare of such child would be best served by the revocation of the permit he may forthwith, without notice, revoke the same, and shall by registered mail notify the person employing such child and the child holding such permit of such revocation.
- Farm labor.** 4. Nothing contained in [sections 1728a to 1728j, inclusive,] shall be construed to forbid any child from being employed in agricultural pursuits, nor to require a permit to be obtained for such child.
- Children under 18.** Sec. 1728f. 1. No child under the age of eighteen years shall be employed in or about any blast furnaces, docks, wharves, in the outside erection and repair of electric wires; in the running or management of elevators, lifts or hoisting machines; in oiling or cleaning hazardous or dangerous machinery in motion; switch tending, gate tending or track repairing; as brakeman, fireman, engineer, motor man, conductor, telegraph operator, upon railroads; as pilot, fireman or engineer upon boats and vessels engaged in the transportation of passengers or merchandise; in or about establishments where nitroglycerine, dynamite, dualin, gun-cotton, gunpowder or other high or dangerous explosive is manufactured, compounded or stored; or in dipping, dyeing or packing matches; or in any factory in operating or using any emery, tripoli, rouge, corundum, stone carborundum or any abrasive or emery polishing or buffing wheel, where articles of the baser materials or of iridium are manufactured.
2. No minor under the age of eighteen, nor any female, shall be employed in or about any mine or quarry.
- Definitions.** Sec. 1728g. The words "manufacturing establishment," the word "factory" or the word "workshop," as used in [sections 1728a to 1728j, inclusive,] shall each be construed to mean any place where goods or products are manufactured or repaired, dyed, cleaned or assorted, stored or packed, in whole or in part, for sale, for wages, or directly or indirectly, for gain or profit.
- Violations.** Sec. 1728h. 1. Any person, firm or corporation, agent or manager of any firm or corporation who, whether for himself or for such firm or corporation, or by himself or through agents, servants or foreman violates or fails to comply with any of the provisions of sections 1728a, 1728b, 1728c, 1728d, 1728e, 1728f, 1728g, 1728h, 1728i, 1728a-1, 1728a-2, 1728a-3, 1728a-4, 1728a-5 or 1728a-6, or hinders or delays the commissioner of labor, the factory inspector or assistant factory inspectors, or truant officers, or any or either of them, in the performance of their duties or refuses to admit or locks out any such officer from any place required to be inspected by said sections, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense, or imprisoned in the county jail not longer than thirty days.
2. Any corporation which, by its agents, officers or servants violates or fails to comply with any of the provisions of [the sections specified in subsection 1] shall be liable to the above penalties, which may be recovered against such corporations in action for debt or assumpsit brought before any justice of the peace or other court of competent jurisdiction.
3. Any person, being the owner or lessee of any opera house, theater or moving picture house, or any similar place of any

name, or having in whole or in part, the management or control thereof, shall be responsible for any violation of [sections 1728a to 1728j, inclusive,] on the premises, of such opera house, theater or moving picture house or similar place of any name.

4. Any person, firm or corporation, agent or manager of any corporation who, whether for himself or for such firm or corporation, or by himself or through agents, servants or foreman fails to return the employment permit of any child in violation of section 1728a-6, shall be liable in action to such child whose permit is not returned, for two dollars for each day during which such failure continues.

5. The failure of any person, firm or corporation, agent or manager of any firm or corporation, to produce for inspection to the commissioner of labor, factory inspector or any assistant factory inspector, truant officers, the employment permit hereinbefore described, shall be prima facie evidence of illegal employment of minor before any justice of the peace or other court of competent jurisdiction. The presence of any minor in any factory, workshop, place of employment or in or about any mine, or the presence of any minor at any time other than those on the posted hours of labor, as hereinbefore provided, or in any establishment employed at any work listed as dangerous or forbidden employments, shall be prima facie evidence of the employment of such child.

Sec. 1728i. Any parent or guardian, who suffers or permits a child to be employed, at any gainful occupation, directly or indirectly, or suffered or permitted to work in violation of [sections 1728a to 1728j, inclusive,] shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars, or by imprisonment in the county jail for not longer than thirty days. Acts of parents.

Sec. 2. There are added to the Statutes four new sections to read:

Section 1728a-3. 1. The permit required by section 1728a of the Statutes shall state the name, the date and place of birth of the child, and describe the color of hair and eyes, the height and weight, and any distinguishing facial marks of such child, and that the papers required in subsection 2 hereof have been duly examined, approved and filed. Contents of permits.

2. The following evidence, records and papers shall be filed before such permit is issued:

(1) Evidence showing that such child is fourteen years of age in one of the following forms: Evidence of age, etc.

(a) A duly attested transcript of the birth certificate, filed as prescribed by law with the register of vital statistics, or other officer charged with the duty of recording births.

(b) A certificate of a person in charge of a public school in the State or elsewhere, having a course of not less than eight years, or of a school in the State other than a public school, having a substantially equivalent course of study of not less than eight years' duration, in which school a record of the attendance of such child has been kept, showing that such child is a graduate of such school, and that according to the records kept in such school, such child is at least fourteen years of age; or

(c) A passport or a duly attested transcript of a certificate of baptism, showing the date and place of baptism of such child.

(d) If such proof does not exist or can not be secured as provided in subdivisions (a), (b) or (c), of subdivision (1) hereof, then such proof as may be satisfactory to the official issuing such permit may be filed in lieu thereof.

(2) A certificate of the superintendent of schools or the principal of the school last attended by the child, or in the absence of both of the aforementioned persons, a certificate of the clerk of the school board, showing that such child is more than fourteen years of age, and stating also the date of the birth of such child, and the number of years it has attended school. Such certificate shall contain the further statement that such child has at- Literacy.

tended the public school, or some other school having a substantially equivalent course, as required by law, within the twelve months next preceding the date of such certificate, or next preceding the fourteenth birthday of such child; that such child is able to read and write simple sentences in the English language, and is familiar with the fundamental operations in arithmetic up to and including fractions, and that it has received during such one-year period, instruction in spelling, reading, writing, English grammar and geography; or in lieu of such statement relative to its educational attainments, that such child has passed successfully the fifth grade in the public school, or in some school having a substantially equivalent course, or that it has attended school for at least seven years. It shall be the duty of such superintendent, principal or clerk to issue certificate upon receipt of any application in behalf of any child entitled thereto.

Statement by employer.

(3) A letter written on such regular letterhead or other business paper used by the person, stating the intention of such person, firm or corporation to employ such child, and signed by such person, firm or corporation, or by some one duly authorized by them.

Complaints.

Sec. 1728a-4. 1. For the purposes of [sections 1728a to 1728j, inclusive,] the commissioner of labor, factory inspector, any assistant factory inspector, truant officer, any police officer or any private citizen may make complaint of the violation of any provisions of [sections 1728a to 1728j, inclusive.]

Investigation.

2. When complaint is made by truant officer, police officer or any private citizen to the commissioner of labor, State factory inspector or any assistant factory inspector, the commissioner of labor shall investigate or cause to be investigated such complaint, and if pursuant to any such investigation, a violation of any of the provisions of this act shall be found, the commissioner of labor shall prosecute or cause to be prosecuted any such violation.

Delivery of messages at night.

Sec. 1728a-5. In cities of the first, second or third class no person under the age of twenty-one years shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission or delivery of messages or goods before six o'clock in the morning and after eight o'clock in the evening of any day.

Statements as to employment.

Sec. 1728a-6. 1. Every person, firm or corporation, agent or manager of any firm or corporation, employing minors in any factory or workshop, store, office, hotel, mercantile establishment, laundry, telegraph, telephone or public messenger service within this State, in addition to filing the certificate of intention to employ with the commissioner of labor, State factory inspector or any assistant factory inspector, shall file with the officer signing such permit, a statement of actual employment of such minor, the date of employment, and that the necessary permit has been duly received and filed, shall keep said permits on file in the same place where such minor is employed, and subject at all times to the inspection of the commissioner of labor, State factory inspector or assistant factory inspector, and shall post a list of said employees with said information at or near the principal entrance to the factory, or other building where such children are employed: *It is further provided,* That upon the termination of employment of any minor, said employer shall return within twenty-four hours the permit for employment of such minor to the person and place, designated by the commissioner of labor, with a statement of reasons for the termination of said employment.

Special inspection.

2. Every person, firm or corporation, desiring to become the employer of children under the age of eighteen years, shall file with the commissioner of labor a statement of this fact, in order that a special inspection of his factory, workshop, bowling alley, store, hotel or mercantile establishment, restaurant, bakery, laundry, telegraph, telephone or public messenger service may be made or caused to be made by the commissioner of labor.

Approved June 28, 1911.

CHAPTER 480.—*Actions for injuries—Settlement.*

SECTION 1. There is added to the Statutes a new section to read:

Section 259In. No settlement or adjustment of any action which shall have been commenced to recover damages for any personal injury or for the death as a result of any personal injury in which an attorney shall have appeared for the person or persons having or claiming a right of action for such injury or death shall be valid, unless consented to in writing by such attorney or by an order of the court in which said action is brought approving of such settlement or adjustment.

Approved June 28, 1911.

CHAPTER 485.—*Industrial commission—Inspection of factories and workshops—Arbitration of labor disputes—Compensation of workmen for injuries.*

SECTION 1. There are added to the Statutes thirty-one new sections to read:

Section 2394-41. The following terms as used in sections 2394-41 to 2394-71 of the Statutes, shall be construed as follows:

(1) The phrase "place of employment" shall mean and include every place, whether indoors or out or underground and the premises appurtenant thereto where either temporary or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is directly or indirectly, employed by another for direct or indirect gain or profit, but shall not include any place where persons are employed in private domestic service or agricultural pursuits which do not involve the use of mechanical power.

(2) The term "employment" shall mean and include any trade, occupation or process of manufacture, or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged, except in such private domestic service or agricultural pursuits as do not involve the use of mechanical power.

(3) The term "employer" shall mean and include every person, firm, corporation, agent, manager, representative or other person having control or custody of any employment, place of employment or of any employee.

(4) The term "employee" shall mean and include every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go or work or be at any time in any place of employment.

(5) The term "frequenter" shall mean and include every person, other than an employee, who may go in or be in a place of employment under circumstances which render him other than a trespasser.

(6) The term "deputy" shall mean and include any person employed by the industrial commission designated as such deputy by the commission, who shall possess special, technical, scientific, managerial or personal abilities or qualities in matters within the jurisdiction of the industrial commission, and who may be engaged in the performance of duties under the direction of the commission, calling for the exercise of such abilities or qualities.

(7) The term "order" shall mean and include any decision, rule, regulation, direction, requirement or standard of the commission, or any other determination arrived at or decision made by such commission.

(8) The term "general order" shall mean and include such order as applies generally throughout the State to all persons, employments or places of employment, or all persons, employments, or places of employment of a class under the jurisdiction of the commission. All other orders of the commission shall be considered special orders.

Adjustments  
of actions.

Definitions.

(9) The term "local order" shall mean and include any ordinance, order, rule or determination of any common council, board of aldermen, board of trustees, or the village board, of any village or city, or the board of health of any municipality, or an order or direction of any official of such municipality, upon any matter over which the industrial commission has jurisdiction.

(10) The term "welfare" shall mean and include comfort, decency and moral well-being.

(11) The term "safe" and "safety" as applied to an employment or a place of employment shall mean such freedom from danger to the life, health or safety of employes or frequenters as the nature of the employment will reasonably permit.

Board created.

Sec. 2394-42. There is hereby created a board which shall be known as the "Industrial Commission of Wisconsin." Within thirty days after the passage of this act the governor, by and with the advise and consent of the senate, shall appoint a member who shall serve two years, another who shall serve four years, and another who shall serve six years. Thereafter each member shall be appointed and confirmed for terms of six years each. Vacancies shall be filled in the same manner for unexpired terms. Each member of the board, before entering upon the duties of his office, shall take the oath prescribed by the constitution. A majority of the board shall constitute a quorum for the exercise of the powers or authority conferred upon it. In case of a vacancy the remaining two members of the board shall exercise all the powers and authority of the board until such vacancy is filled. Each member of the board shall receive an annual salary of five thousand dollars, and actual expenses necessarily incurred in the performance of his duties, which shall be in full for all services performed under sections 2394-41 to 2394-71, inclusive. This board shall supersede and perform all of the duties of the industrial accident board provided in sections 2394-1 to 2394-40, inclusive.

Organization. Sec. 2394-43. Within thirty days after the passage and publication of this act, such commission shall meet at the State capitol and organize in the manner provided for the organization of the industrial accident board in section 2394-13 of the Statutes. A majority of said commissioners shall constitute a quorum to transact business. No vacancy shall impair the right of the remaining commissioners to exercise all the powers of the commission.

Office. Sec. 2394-44. The commission shall keep its office at the capitol and shall be provided by the superintendent of public property with suitable rooms, necessary furniture, stationery, books, periodicals, maps, instruments and other necessary supplies. The commission may, however, hold sessions at any place other than the capitol when the convenience of the commission and the parties interested so requires.

Expenses. Sec. 2394-45. The commissioners and employees of the commission shall be entitled to receive from the State their actual necessary expenses while traveling on the business of the commission, either within or without the State of Wisconsin. Such expenditure shall be presented in an account verified by the person who incurred the expenses, approved by the chairman of the commission and shall be audited and paid as are the expenses of employees and members of other State commissions.

Title. Sec. 2394-46. The commission shall be known collectively as the "Industrial Commission of Wisconsin" and in that name may sue and be sued. It shall have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words "Industrial Commission—Wisconsin—Seal."

Employees. Sec. 2394-47. When public interest requires, the employees of either the industrial commission or those of the industrial accident board may be required to perform service in whole or in part for either such board or commission.

Safe conditions.

Sec. 2394-48. Every employer shall furnish employment which shall be safe for the employees therein and shall furnish a place

of employment which shall be safe for employees therein and for frequenters thereof and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and shall do every other thing reasonably necessary to protect the life, health, safety and welfare of such employees and frequenters.

Sec. 2394-49. 1. No employer shall require, permit or suffer any employee to go or be in any employment or place of employment which is not safe, and no such employer shall fail to furnish, provide and use safety devices and safeguards, or fail to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and no such employer shall fail or neglect to do every other thing reasonably necessary to protect the life, health, safety or welfare of such employees and frequenters; and no such employer or other person shall hereafter construct or occupy or maintain any place of employment that is not safe. Same.

2. No employee shall remove, displace, damage, destroy or carry off any safety device or safeguard furnished and provided for use in any employment or place of employment, nor interfere in any way with the use thereof by any other person, nor shall any such employee interfere with the use of any method or process adopted for the protection of any employee in such employment or place of employment or frequenter of such place of employment, nor fail or neglect to do every other thing reasonably necessary to protect the life, health, safety or welfare of such employees or frequenters. Removing guards, etc.

Sec. 2394-50. 1. Every employer shall furnish to the commission all information required by it to carry into effect the provisions of sections 2394-1 to 2394-71, inclusive, and shall make specific answers to all questions submitted by the commission relative thereto. Information from employers.

2. Any employer receiving from the commission any blanks calling for information required by it to carry into effect the provisions of sections 2394-41 to 2394-71, inclusive, with directions to fill the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case he is unable to answer any question, he shall give a good and sufficient reason for such failure; and said answer shall be verified under oath by the employer, or by the president, secretary or other managing officer of the corporation, if the employer is a corporation, and returned to the commission at its office within the period fixed by the commission.

3. Any commissioner or deputy of the commission may enter any place of employment for the purpose of collecting facts and statistics, examining the provisions made for the health, safety and welfare of the employees therein and bringing to the attention of every employer any law, or any order of the commission, and any failure on the part of such employer to comply therewith. No employer shall refuse to admit any commissioner or deputy of the commission to his place of employment.

Sec. 2394-51. The industrial commission is vested with the power and jurisdiction to have such supervision of every employment and place of employment in this State as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment and place of employment to be safe, and requiring the protection of the life, health, safety and welfare of every employee in such employment or place of employment and every frequenter of such place of employment. Powers of commission.

Sec. 2394-52. It shall also be the duty of the industrial commission, and it shall have power, jurisdiction and authority: Duties.

(1) To employ, promote and remove deputies, clerks and other assistants as needed, to fix their compensation, and to assign to them their duties; to appoint advisors who shall, without compensation, assist the industrial commission in the execution of its duties; to retain and to assign to their duties any or all the Administration.

officers, subordinates and clerks of the bureau of labor and industrial statistics, of the State factory inspectors' department, and of the free employment offices, the bakery inspector, woman factory inspector, and secretary of the State board of arbitration: *Provided*, That the number of employees of said commission shall not be increased to exceed the number now employed in the bureau of labor and industrial statistics, except upon the certificate of the governor, to be filed with the secretary of state before any such additional employee shall be appointed, certifying that any such additional employee is necessary to the work of this commission, and approving the amount of salary to be paid to any such additional employee. The deputies employed by the commission shall not be exempt from the operation of sections 990-1 to 990-32, inclusive, of the Statutes.

Enforcement  
of laws.

(2) To administer and enforce the laws relating to child labor, laundries, stores, employment of females, licensed occupations, school attendance, bakeries, employment offices, intelligence offices and bureaus, manufacture of cigars, sweatshops, corn shredders, wood-sawing machines, fire escapes, and means of egress from buildings, scaffolds, hoists, ladders and other matters relating to the erection, repair, alteration or painting of buildings and structures, and all other laws protecting the life, health, safety and welfare of employees in employments and places of employment and frequenters of places of employment.

Inspection.

(3) To investigate, ascertain, declare and prescribe what safety devices, safeguards or other means or methods of protection are best adapted to render the employees of every employment and place of employment and frequenters of every place of employment safe, and to protect their welfare as required by law or lawful orders, and to establish and maintain museums of safety and hygiene in which shall be exhibited safety devices, safeguards and other means and methods for the protection of life, health, safety and welfare of employees.

Fixing stand-  
ards.

(4) To ascertain and fix such reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption of safety devices, safeguards and other means or methods of protection to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health, safety and welfare of employees in employments and places of employment or frequenters of places of employment.

(5) To ascertain, fix and order such reasonable standards or the construction, repair and maintenance of places of employment as shall render them safe.

Classifying  
employments.

(6) To investigate, ascertain and determine such reasonable classifications of persons, employments and places of employment as shall be necessary to carry out the purposes of sections 2394-41 to 2394-71, inclusive.

Rules.

(7) To adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings; such rules and regulations shall not be effective until ten days after their publication. A copy of such rules and regulations shall be delivered to every citizen making application therefor, and a copy delivered with every notice of hearing.

Mediation.

(8) To do all in its power to promote the voluntary arbitration, mediation and conciliation of disputes between employers and employees, and to avoid the necessity of resorting to lockouts, boycotts, black lists, discriminations and legal proceedings in matters of employment. In pursuance of this duty it may appoint temporary boards of arbitration, provide necessary expenses of such boards, order reasonable compensation not exceeding five dollars per day for each member engaged in such arbitration, prescribe rules of procedure for such arbitration boards, conduct investigations and hearings, publish reports and advertisements, and may do all other things convenient and necessary to accom-

plish the purposes directed in sections 2394-41 to 2394-71, inclusive. The commission shall designate a deputy to be known as chief mediator and may detail other deputies from time to time to act as his assistants, for the purpose of executing these provisions. Deputies may act on temporary boards without extra compensation.

(9) To establish and conduct free employment agencies, to license and supervise the work of private employment offices, to do all in its power to bring together employers seeking employees and working people seeking employment, to make known the opportunities for self-employment in this State, to aid in inducing minors to undertake promising skilled employments, to provide industrial or agricultural training for vagrants and other persons unsuited for ordinary employments, and to encourage wage earners to insure themselves against distress from unemployment. It shall investigate the extent and causes of unemployment in the State of Wisconsin and the remedies therefor in this and other countries, and it shall devise and adopt the most efficient means within its power to avoid unemployment, to provide employment, and to prevent distress from involuntary idleness.

(10) To collect, collate and publish statistical and other information relating to the work under its jurisdiction and to make public reports in its judgment necessary.

(11) To rent and furnish not to exceed four offices as needed in cities for the conduct of its affairs.

Sec. 2394-53. 1. Upon petition, after January 1, 1912, by any person that any employment or place of employment is not safe or is injurious to the welfare of any employee or frequenter, the commission shall proceed with or without notice, to make such investigation as may be necessary to determine the matter complained of.

2. After such hearing as may be necessary, the commission may enter such order relative thereto as may be necessary to render such employment or place of employment safe and not injurious to the welfare of the employees therein or frequenters thereof.

3. Whenever the commission shall learn that any employment or place of employment is not safe or is injurious to the welfare of any employee or frequenter it may of its own motion, summarily investigate the same, with or without notice, and enter such order as may be necessary relative thereto.

Sec. 2394-54. 1. All duties, liabilities, authority, powers and privileges heretofore or hereafter conferred and imposed by law upon the commissioner of labor and industrial statistics, deputy commissioner of labor and industrial statistics, factory inspector, woman factory inspector, assistant factory inspectors and bakery inspector, are hereby imposed and conferred upon the industrial commission and its deputies.

2. All laws relating or referring to the commissioner of labor and industrial statistics, and the deputy commissioner of labor and industrial statistics, except those laws relating or referring to their appointment and qualification and to their membership or service on the industrial accident board and all laws relating or referring to the factory inspector, the woman factory inspector, assistant factory inspectors and the bakery inspector, shall apply to and be deemed to relate and refer to the industrial commission, so far as the said laws are applicable.

Sec. 2394-55. All orders of the industrial commission in conformity with law shall be in force, and shall be prima facie lawful; and all such orders shall be valid and in force, and prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose, pursuant of the provisions of section 2394-69 of the Statutes, or until altered or revoked by the commission.

Sec. 2394-56. 1. All general orders shall take effect within thirty days after their publication in the official State papers. Special orders shall take effect as therein directed.

Free employment offices.

Reports.

Offices.

Investigations.

Powers, etc., transferred.

Reference of laws.

Orders.

Orders take effect, when.

2. The commission shall, upon application of any employer, grant such time as may be reasonably necessary for compliance with any order.

3. Any person may petition the commission for an extension of time, which the commission shall grant if it finds such an extension of time necessary.

**Hearings.**

Sec. 2394-57. 1. Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness of any order of the commission in the manner provided in sections 2394-41 to 2394-71, inclusive.

2. Such petition for hearing shall be by verified petition filed with the commission, setting out specifically and in full detail the order upon which a hearing is desired and every reason why such order is unreasonable, and every issue to be considered by the commission on the hearing. The petitioner shall be deemed to have finally waived all objections to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition. All hearings of the commission shall be open to the public.

3. Upon receipt of such petition, if the issues raised in such petition have theretofore been adequately considered, the commission shall determine the same by confirming without hearing its previous determination, or if such hearing is necessary to determine the issues raised, the commission shall order a hearing thereon and consider and determine the matter or matters in question at such times as shall be prescribed. Notice of the time and place of such hearing shall be given to the petitioner and to such other persons as the commission may find directly interested in such decision.

4. Upon such investigation, if it shall be found that the order complained of is unjust or unreasonable the commission shall substitute therefor such other order as shall be just and reasonable.

5. Whenever at the time of the final determination upon such hearing it shall be found that further time is reasonably necessary for compliance with the order of the commission, the commission shall grant such time as may be reasonably necessary for such compliance.

**Local au-  
thorities.**

Sec. 2394-58. 1. Nothing contained in this act shall be construed to deprive the common council, the board of aldermen, the board of trustees or the village board of any village or city, or the board of health of any municipality of any power or jurisdiction over or relative to any place of employment: *Provided*, That, whenever the industrial commission shall, by an order, fix a standard of safety or any hygienic condition for employment or places of employment, such order shall, upon the filing by the commission of a copy thereof with the clerk of the village or city to which it may apply, be held to amend or modify any similar conflicting local order in any particular matters governed by said order. Thereafter no local officer shall make or enforce any order contrary thereto.

2. Any person affected by any local order in conflict with an order of the commission, may in the manner provided in section 2394-57 of the Statutes, petition the industrial commission for a hearing on the ground that such local order is unreasonable and in conflict with the order of the commission. The petition for such hearing shall conform to the requirements set forth for a petition in said section 2394-57 of the Statutes.

3. Upon receipt of such petition the commission shall order a hearing thereon, to consider and determine the issues raised by such appeal, such hearing to be held in the village, city or municipality where the local order appealed from was made. Notice of the time and place of such hearing shall be given to the petitioner and such other persons as the commission may find directly interested in such decision, including the clerk of the municipality or town from which such appeal comes. If upon such investiga-

tion it shall be found that the local order appealed from is unreasonable and in conflict with the order of the commission, the commission may modify its order and shall substitute for the local order appealed from such order as shall be reasonable and legal in the premises, and thereafter the said local order shall, in such particulars, be void and of no effect.

Sec. 2394-59. 1. No action, proceeding or suit to set aside, vacate or amend any order of the commission or to enjoin the enforcement thereof, shall be brought unless the plaintiff shall have applied to the commission for a hearing thereon at the time and as provided in section 2394-57 of the Statutes, and in the petition therefor shall have raised every issue raised in such action. Action to set aside orders.

2. Every order of the commission shall, in every prosecution for violation thereof, be conclusively presumed to be just, reasonable and lawful, unless prior to the institution of prosecution for such violation an action shall have been brought to vacate and set aside such order, as provided in section 2394-68 of the Statutes.

Sec. 2394-60. Every day during which any person, persons, corporation or any officer, agent or employee thereof, shall fail to observe and comply with any order of the commission or to perform any duty enjoined by sections 2394-41 to 2394-71, inclusive, shall constitute a separate and distinct violation of such order, or of said section as the case may be. Separate offenses.

Sec. 2394-61. Each of the commissioners for the purposes mentioned in sections 2394-41 to 2394-71, inclusive, shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses, and the production of papers, books, accounts, documents and testimony. In case of failure of any person to comply with any order of the commission or any subpoena lawfully issued or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the circuit court of any county, or the judge thereof, on application of a commissioner to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court, or a refusal to testify therein. Powers of commissioners.

Sec. 2394-62. Each witness who shall appear before the commission by its order shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of record, which shall be audited and paid by the State in the same manner as other expenses are audited and paid, upon the presentation of properly verified vouchers approved by the chairman of the commission. But no witness subpoenaed at the instance of parties other than the commission shall be entitled to compensation from the State for attendance or travel unless the commission shall certify that his testimony was material to the matter investigated. Witnesses.

Sec. 2394-63. The commission or any party may in any investigation cause the depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in circuit courts. Depositions.

Sec. 2394-64. A full and complete record shall be kept of all proceedings had before the commission on any investigation and all testimony shall be taken down by the stenographer appointed by the commission. Records.

Sec. 2394-65. 1. For the purpose of making any investigation with regard to any employment or place of employment the commission shall have power to appoint, by an order in writing, any member of the commission, any deputy who is a citizen of the State, or any other competent person as an agent whose duties shall be prescribed in such order. Deputies.

2. In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted in this act to the commission, and the same powers as a court commissioner with regard to the taking of depositions; and all powers granted by law to a court commissioner relative to depositions are hereby granted to such agent.

3. The commission may conduct any member of such investigations contemporaneously through different agents, and may delegate to such agent the taking of all testimony bearing upon any investigation or hearing. The decision of the commission shall be based upon its examination of all testimony and records. The recommendations made by such agents shall be advisory only and shall not preclude the taking of further testimony if the commission so order nor further investigation.

**S p e c i a l**  
**prosecutors.**

Sec. 2394-66. 1. The commission shall have authority to direct any deputy who is a citizen to act as special prosecutor in any action, proceeding, investigation, hearing or trial relating to the matters within its jurisdiction.

2. Upon the request of the commission, the attorney general or district attorney of the county in which any investigation, hearing or trial had under the provisions of sections 2394-41 to 2394-71, inclusive, is pending, shall aid therein and prosecute under the supervision of the commission, all necessary actions or proceedings for the enforcement of said sections and all other laws of this State relating to the protection of life, health, safety and welfare, and for the punishment of all violations thereof.

**Sufficient**  
**compliance.**

Sec. 2394-67. A substantial compliance with the requirements of sections 2394-41 to 2394-71, inclusive, shall be sufficient to give effect to the orders of the commission, and they shall not be declared inoperative, illegal or void for any omission of a technical nature in respect thereto.

**Actions to**  
**vacate orders.**

Sec. 2394-68. 1. Any employer or other person in interest being dissatisfied with any order of the commission may commence an action in the circuit court for Dane County against the commission as defendant to vacate and set aside any such order on the ground that the order is unlawful, or that any such order is unreasonable, in which action the complaint shall be served with the summons.

2. The answer of the commission to the complaint shall be served and filed within ten days after service of the complaint, whereupon said action shall be at issue and stand ready for trial upon ten days' notice to either party.

3. All such actions shall have precedence over any civil cause of a different nature pending in such court, and the circuit court shall always be deemed open for the trial thereof, and the same shall be tried and determined as other civil actions.

4. No injunction shall issue suspending or staying any order of the commission, except upon application to the circuit court or the presiding judge thereof, notice to the commission and hearing.

**Reference to**  
**commission.**

Sec. 2394-69. 1. If upon trial of such action it shall appear that all issues arising in such action have not theretofore been presented to the commission in the petition filed as provided in section 2394-57, or that the commission has not theretofore had an ample opportunity to hear and determine any of the issues raised in such action, or has for any reason, not in fact heard and determined the issues raised, the court shall, before proceeding to render judgment, unless the parties to such action stipulate to the contrary, transmit to the commission a full statement of such issue or issues not adequately considered, and shall stay further proceedings in such action for fifteen days from the date of such transmission, and may thereafter grant such further stays as may be necessary.

2. Upon the receipt of such statement, the commission shall consider the issues not theretofore considered, and may alter, modify, amend or rescind its order complained of in said action, and shall report its action thereon to said court within ten days from the receipt of the statement from the court for further hearing and consideration.

3. The court shall thereupon order such amendment or other proceeding as may be necessary to raise the issues as changed by such modification of the order as may have been made by the

commission upon the hearing, if any such modification has in fact been made, and shall proceed with such action.

Sec. 2394-70. If any employer, employee or other person shall violate any provisions of sections 2394-41 to 2394-55, inclusive, of the Statutes, or shall do any act herein prohibited in sections 2394-41 to 2394-71, inclusive, or shall fail or refuse to perform any duty lawfully enjoined, within the time prescribed by the commission, for which no penalty has been specifically provided, or shall fail, neglect or refuse to obey any lawful order given or made by the commission, or any judgment or decree made by any court in connection with the provisions of sections 2394-41 to 2394-71, for each such violation, failure or refusal, such employer or other person shall forfeit and pay into the State treasury a sum not less than ten dollars nor more than one hundred dollars for each such offense.

Violations.

Sec. 2394-71. A sum sufficient to carry out the provisions of sections 2394-41 to 2394-71, inclusive, not exceeding seventy-five thousand dollars, is appropriated annually out of any money in the treasury not otherwise appropriated.

Appropriation.

Sec. 2. Subsection 18, of section 170, sections 926-161, 926-162, 926-163, 926-164, 926-165, 926-166, 926-168, 926-170, 926-171, 1021e, 1021f, 1021i, 1021j, 1021k, 1021l, 1729b, 1729c, 1729d, 1729e, 1729f, 1729g, 1729h, 1729i, 1729j and 1021c of the Statutes are repealed, from and after September 1, 1911.

Repeals.

CHAPTER 515.—*Time to vote to be allowed employees—Half-holiday.*

SECTION 1. 1. In every city of the first class, the day on which any primary, regular, municipal or general election shall be held in each year is a legal holiday, after twelve o'clock M., and no employer of labor shall ask or require any employee to do any manner of labor or work on any such half holiday, except only works of necessity or charity.

Half day to be allowed.

2. Any person who shall violate any provision of this act shall be punished by a fine of not exceeding twenty-five dollars.

Approved July 3, 1911.

CHAPTER 522.—*Employment of children—Illiterates.*

SECTION 1. There are added to the Statutes seven new sections to read:

Section 1728a-11. No person shall employ a minor over fourteen years of age in any city, village or town in which a public evening school or continuation school, for the industry in which the minor is to work, is maintained, unless he receives and places on file a written permit issued by the commissioner of labor, State factory inspector or any assistant factory inspector, or from the judge of a juvenile court where such child resides, authorizing the employment of the minor, as provided in section 1728b of the Statutes, and certifying either to his ability to read at sight and write legibly simple sentences in the English language, or that he is a regular attendant at the public evening school or continuation school.

Certificates.

Sec. 1728a-12. No parent, guardian or custodian shall permit a minor over fourteen years of age who has not the certificate referred to in section 1728a-11 to be employed.

Acts of parents.

Sec. 1728a-13. Any minor over fourteen years of age, required by section 1728a-11 to attend an evening school or continuation school, shall furnish to his employer each week during its session a record showing that he is a regular attendant at the evening school or continuation school. The employer shall file all records of attendance with the minor's permit to work, and no minor, subject to [sections 1728a-11 to 1728a-17, inclusive.] shall be employed unless the records of attendance or absence for valid cause during the previous week be on file.

Weekly statements.

- Physician's certificate.** Sec. 1728a-14. Upon presentation by a minor of a certificate signed by a registered practicing physician, showing that his physical condition, or the distance necessary to be traveled, would render the required school attendance, in addition to his daily labor, prejudicial to his health, the commissioner of labor, State factory inspector or any assistant factory inspector, may issue a permit authorizing his employment for such period as he may determine.
- Evening schools.** Sec. 1728a-15. No permit issued under section 1728a shall excuse any minor from attendance at evening school, or evening continuation school.
- Violations.** Sec. 1728a-16. Any person, firm or corporation, agent or manager of any corporation, who whether for himself or for such firm or corporation, or by himself or through agents, servants or foremen, shall violate or fail to comply with any of the provisions of sections 1728a-11 to 1728a-14, inclusive, of the Statutes, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars for each offense. Any corporation which by its agents, officers or servants shall violate or fail to comply with any of the provisions of [sections 1728a-11 to 1728a-15, inclusive,] shall be liable to the same penalty which may be recovered against such corporation in action for debt or assumpsit, brought before any court of competent jurisdiction.
- Same.** Sec. 1728a-17. Any parent or guardian who suffers or permits a minor to be employed, or suffered or permitted to work in violation of sections 1728a-12 and 1728a-13 of the Statutes, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars.
- Approved July 3, 1911.

CHAPTER 548.—*Employment of women—Hours of labor.*

- Ten-hour day.** SECTION 1. There is added to the Statutes a new section to read:  
Section 1728-1. 1. No female shall be employed or be permitted to work in any manufacturing, mechanical or mercantile establishment, laundry or restaurant, or confectionery store, or telegraph or telephone office or exchange, or by any express or transportation company, in this State, more than ten hours during any one day, or more than fifty-five hours in any one week. The hours may be so arranged as to permit the employment of females at any time, but they shall not work more than ten hours during the twenty-four hours of any one day, nor more than fifty-five hours during one week. If, however, any part of a female's daily employment is performed between the hours of eight o'clock p. m. and six o'clock a. m. of the following day, all the employment shall be considered night work, and no such female so employed at night work shall be employed or permitted to work thereat more than eight hours in any twenty-four hours, nor more than forty-eight hours during one week. If any such female is employed not more than one night in the week (after eight o'clock as herein provided), then such female may be permitted to work fifty-five hours in any such week: *Provided*, That at least one hour for dinner be allowed each female during her working period, but no part of such hour shall be considered as a part of the permitted period of daily employment.
- Night work.**
- Schedule.** 2. Every employer shall post in a conspicuous place in every room, where such females are employed, a printed notice stating the hours of commencing and stopping such work, the time allowed for dinner or other meals, and the maximum number of hours any female employee is permitted to work in any one day.
- Evidence.** 3. The employment of any female in any such place or establishment, as defined in subsection 1, of this section, at any time other than those of the posted hours of labor, as hereinbefore provided for, shall be prima facie evidence of a violation of this act.

4. Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five nor more than one hundred dollars.

Violations.

Approved July 3, 1911.

CHAPTER 614.—*Sunday labor.*

SECTION 1. Section 4959d of the Statutes [approved June 16, 1911] is renumbered and amended to read:

Section 4959d. The keeping open of a store or shop for the sale of dry goods, wearing apparel, hats, caps, boots, shoes, hardware, furniture, crockery, glassware, jewelry, coffees, teas, or spices, on the first day of the week, shall not be deemed a work of necessity or charity. Work forbid-  
den.

Approved July 7, 1911.

CHAPTER 660.—*Employment of children—School attendance of children at work.*

SECTION 1. Subsection 1, of section 1728c-1, of the Statutes, is amended to read:

Section 1728c-1. 1. Whenever any evening school, continuation classes, industrial school or commercial school, shall be established in any town, village or city in this State for minors between the ages of fourteen and sixteen, working under permit as now provided by law, every such child, residing within any town, village or city in which any such school is established, shall attend such school not less than five hours per week for six months each year, until such child becomes sixteen years of age, and every employer shall allow all minor employees over fourteen and under sixteen years of age a reduction in hours of work of not less than the number of hours the minor is by this section required to attend school. Evening  
schools.

Approved July 14, 1911.

WYOMING.

ACTS OF 1911.

CHAPTER 23.—*Elections—Time to vote to be allowed employees.*

SECTION 21. Any person entitled to vote at such primary election shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed for a period of one hour, other than meal hours, between the time of opening and closing the polls; and such primary elector shall not, because of so absenting himself be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages. One hour al-  
lowed.

Approved February 15, 1911.

CHAPTER 56.—*Garnishment of wages, etc., of public employees.*

SECTION 1. Section 4797 of the Wyoming Compiled Statutes, 1910, is hereby amended and reenacted so as to read as follows:

Section 4797. The salary or wages due any State, county, city, town or school district officer or employee, shall be liable and subject to garnishment in civil actions in the same manner and for the same causes as the salary or wages of any private individual now is, or may hereafter be, liable and subject to garnishment under the laws of this State. This act shall apply to the salary or wages due to any officer or employee of the State or of any county, city, town or school district of the State, whether said officer or employee shall have been elected or shall have been appointed to the office or position which he holds. Salaries sub-  
ject to garnish-  
ment.

Approved February 18, 1911.

CHAPTER 74.—*Weighing coal at mines.*

Coal not to be screened before weighing.

SECTION 1. It shall be unlawful for any mine owner, lessee, operator, agent or company in this State, employing miners at bushel or ton rates, or other quantities, in mining coal, to pass the output of coal mined by said miners over any screen or any device which shall take any part of the marketable coal from the amount thereof, before the same shall have been weighed and duly credited to the employees sending the same to the surface, unless otherwise agreed upon between miners and their employers. In case of any agreement where coal is credited to miners after having been screened and weighed, said miners or employees shall receive compensation for all marketable or saleable coal sent by them to the surface, and accounted for at the customary rate of weights: *Provided*, That this section shall also apply to the class of workers in mines known as loaders engaged in mines where mining is done by machinery whenever the workers are under contract to load coal by the bushel, ton or quantity.

Weighmen.

SEC. 2. The weighman employed at any mine shall subscribe an oath or affirmation before a justice of the peace or other officer authorized to administer oaths, to do justice between employer and employee and to weigh the output of coal from miners in accordance with the provisions of section 1 of this act. Said oath or affirmation shall be kept conspicuously posted in the weigh office and any weigher of coal or person so employed who shall knowingly violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense, or by imprisonment in the county jail for a period of not to exceed thirty days, or by both such fine and imprisonment.

Checkweighmen.

SEC. 3. The miners employed by or engaged in working for any mine owner, lessee, operator, agent or company in this State shall have the privilege, if they so desire, of employing at their own expense a check weighman, [weighman] who shall have like rights and privileges in the weighing of coal as the regular weighman and be subject to the same oath and penalties as the regular weighman.

Scales.

SEC. 4. The owner, lessee, operator, agent or company operating any coal mine in this State, at which the miners are paid by weight, shall provide suitable and accurate scales of standard manufacture for weighing of coal which may be procured from such mines; such owner, lessee, operator, agent or company shall be required to keep United States standard weights to test said scales.

At every mine where the coal mined is paid for by weight it shall be the duty of the weighman and the check weighman to examine and balance the scales each morning, and in no case shall any coal be weighed until such scales are tested by the United States standard weights and found to be correct: *Provided*, That if the weighman and check weighman shall disagree, work may continue until the inspector of mines can be present, and any erroneous weights made during such time shall be rectified. When differences shall arise between the weighman and check weighman, or operator, of any mine, as to the correctness of the scales, the same shall be referred to the inspector of mines, whose duty it shall be to see and regulate the same at once. The inspector of mines and miners employed in the mine and others personally interested shall at all proper times have full right of access to and examination of scales or apparatus used for weighing coal in or about said mine.

Fraudulent weighing.

SEC. 5. Any person or persons having or using any scale or scales for the purpose of weighing the output of coal at mines so arranged or constructed that fraudulent weighing may be done thereby, or who shall knowingly resort to or employ any means whatever by reason of which such coal is not correctly weighed and reported in accordance with the provisions of this act, shall

be deemed guilty of a misdemeanor and shall upon conviction for each offense be punished by a fine or not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the county jail for a period not to exceed sixty days, or by both such fine and imprisonment.

SEC. 6. The provisions of this act shall also apply to the class of workers in mines known as loaders, engaged in mines wherein mining is done by machinery. Whenever the workmen are under contract to load coal by the bushel, ton, or any quantity, the settlement of which is by weight, the output shall be weighed in accordance with the provisions of this act.

Scope of law.

Approved February 21, 1911.

CHAPTER 101.—*Inspector of coal mines—Examination.*

SECTION 1. The governor of this State is hereby authorized to appoint five persons to constitute a board of examiners to investigate and pass upon the character and qualifications of all applicants for appointment to the office of State mine inspector, which said five persons, so to be selected by the governor, shall include one regularly graduated mining engineer, three practical miners from different counties of the State, and one ex-State mine inspector.

Board of examiners.

SEC. 2. The said board of examiners shall convene in the capitol of the State, upon the call of the governor, once in each year, and remain in session, not to exceed one week, \* \* \*

Meetings.

SEC. 4. The qualifications of applicants for State coal mine inspector shall be as follows, viz: They shall be citizens of the United States and of the State of Wyoming, of temperate habits, of good reputation, shall have the age of thirty years, and shall have had at least one years [year's] experience in the working of coal mines in the State of Wyoming, and five years of practical experience in the working of coal mines in the United States, and they shall have practical knowledge of mining engineering, and of the different systems of working and ventilating of coal mines, and of the properties and nature of the noxious and poisonous gases of coal mines, especially of fire damp.

Applicants.

SEC. 5. As often as a vacancy, in the office of inspector of coal mines occurs from death, resignation or removal by the governor, he shall appoint a successor from the list of eligibles, certified to him as qualified for the position, by the board of examiners herein provided for.

Appointments.

SEC. 6. The list of persons certified to the governor of the State by the board of examiners, herein created, as eligible for appointment as inspector of coal mines, shall be kept on file, as a public document, in the office of the secretary of state for Wyoming, subject to the inspection of any and everybody.

Eligibles.

Approved March 1, 1911.

UNITED STATES.

ACTS OF 1910-11.

CHAPTER 103.—*Inspection of locomotive boilers.*

SECTION 1. The provisions of this act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad in the District of Columbia, or in any Territory of the United States, or from one 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 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. The term "railroad" as used in this act shall include all the roads in use by any common carrier operating a railroad, whether owned or operated

Scope of law.

Definitions.

under a contract, agreement, or lease, and the term "employees" as used in this act shall be held to mean persons actually engaged in or connected with the movement of any train.

Boilers, etc.,  
to be safe.

SEC. 2. From and after the first day of July, nineteen hundred and eleven, it shall be unlawful for any common carrier, its officers or agents, subject to this act to use any locomotive engine propelled by steam power in moving interstate or foreign traffic unless the boiler of said locomotive and appurtenances thereof are in proper condition and safe to operate in the service to which the same is put, that the same may be employed in the active service of such carrier in moving traffic without unnecessary peril to life or limb, and all boilers shall be inspected from time to time in accordance with the provisions of this act, and be able to withstand such test or tests as may be prescribed in the rules and regulations hereinafter provided for.

Inspectors.

SEC. 3. There shall be appointed by the President, by and with the advice and consent of the Senate, a chief inspector and two assistant chief inspectors of locomotive boilers, who shall have general superintendence of the inspectors hereinafter provided for, direct them in the duties hereby imposed upon them, and see that the requirements of this act and the rules, regulations, and instructions made or given hereunder are observed by common carriers subject hereto. The said chief inspector and his two assistants shall be selected with reference to their practical knowledge of the construction and repairing of boilers, and to their fitness and ability to systematize and carry into effect the provision hereof relating to the inspection and maintenance of locomotive boilers. The chief inspector shall receive a salary of four thousand dollars per year and the assistant chief inspectors shall each receive a salary of three thousand dollars per year; and each of the three shall be paid his traveling expenses incurred in the performance of his duties. The office of the chief inspector shall be in Washington, District of Columbia, and the Interstate Commerce Commission shall provide such stenographic and clerical help as the business of the offices of the chief inspector and his said assistants may require.

Fifty dis-  
tricts.

SEC. 4. Immediately after his appointment and qualification the chief inspector shall divide the territory comprising the several States, the Territories of New Mexico and Arizona, and the District of Columbia into fifty locomotive boiler-inspection districts, so arranged that the service of the inspector appointed for each district shall be most effective, and so that the work required of each inspector shall be substantially the same. Thereupon there shall be appointed by the Interstate Commerce Commission fifty inspectors of locomotive boilers. Said inspectors shall be in the classified service and shall be appointed after competitive examination according to the law and the rules of the Civil Service Commission governing the classified service. The chief inspector shall assign one inspector so appointed to each of the districts hereinbefore named. Each inspector shall receive a salary of one thousand eight hundred dollars per year and his traveling expenses while engaged in the performance of his duty. He shall receive in addition thereto an annual allowance for office rent, stationery, and clerical assistance, to be fixed by the Interstate Commerce Commission, but not to exceed in the case of any district inspector six hundred dollars per year. In order to obtain the most competent inspectors possible, it shall be the duty of the chief inspector to prepare a list of questions to be propounded to applicants with respect to construction, repair, operation, testing, and inspection of locomotive boilers, and their practical experience in such work, which list, being approved by the Interstate Commerce Commission, shall be used by the Civil Service Commission as a part of its examination. No person interested, either directly or indirectly, in any patented article required to be used on any locomotive under supervision or who is intemperate in his habits shall be eligible to hold the office of either chief inspector or assistant or district inspector.

Inspectors in  
classified civil  
service.

SEC. 5. Each carrier subject to this act shall file its rules and instructions for the inspection of locomotive boilers with the chief inspector within three months after the approval of this act, and after hearing and approval by the Interstate Commerce Commission, such rules and instructions, with such modifications as the commission requires, shall become obligatory upon such carrier: *Provided, however,* That if any carrier subject to this act shall fail to file its rules and instructions the chief inspector shall prepare rules and instructions not inconsistent herewith for the inspection of locomotive boilers, to be observed by such carrier; which rules and instructions, being approved by the Interstate Commerce Commission, and a copy thereof being served upon the president, general manager, or general superintendent of such carrier, shall be obligatory, and a violation thereof punished as hereinafter provided: *Provided also,* That such common carrier may from time to time change the rules and regulations herein provided for, but such change shall not take effect and the new rules and regulations be in force until the same shall have been filed with and approved by the Interstate Commerce Commission. The chief inspector shall also make all needful rules, regulations, and instructions not inconsistent herewith for the conduct of his office and for the government of the district inspectors: *Provided, however,* That all such rules and instructions shall be approved by the Interstate Commerce Commission before they take effect.

Rules, etc.,  
of companies  
to be filed.

SEC. 6. It shall be the duty of each inspector to become familiar, so far as practicable, with the condition of each locomotive boiler ordinarily housed or repaired in his district, and if any locomotive is ordinarily housed or repaired in two or more districts, then the chief inspector or an assistant shall make such division between inspectors as will avoid the necessity for duplication of work. Each inspector shall make such personal inspection of the locomotive boilers under his care from time to time as may be necessary to fully carry out the provisions of this act, and as may be consistent with his other duties, but he shall not be required to make such inspections at stated times or at regular intervals. His first duty shall be to see that the carriers make inspections in accordance with the rules and regulations established or approved by the Interstate Commerce Commission, and that carriers repair the defects which such inspections disclose before the boiler or boilers or appurtenances pertaining thereto are again put in service. To this end each carrier subject to this act shall file with the inspector in charge, under the oath of the proper officer or employee, a duplicate of the report of each inspection required by such rules and regulations, and shall also file with such inspector, under the oath of the proper officer or employee, a report showing the repair of the defects disclosed by the inspection. The rules and regulations hereinbefore provided for shall prescribe the time at which such reports shall be made. Whenever any district inspector shall, in the performance of his duty, find any locomotive boiler or apparatus pertaining thereto not conforming to the requirements of the law or the rules and regulations established and approved as hereinbefore stated, he shall notify the carrier in writing that the locomotive is not in serviceable condition, and thereafter such boiler shall not be used until in serviceable condition: *Provided,* That a carrier, when notified by an inspector in writing that a locomotive boiler is not in serviceable condition, because of defects set out and described in said notice, may within five days after receiving said notice, appeal to the chief inspector by telegraph or by letter to have said boiler reexamined, and upon receipt of the appeal from the inspector's decision, the chief inspector shall assign one of the assistant chief inspectors or any district inspector other than the one from whose decision the appeal is taken to reexamine and inspect said boiler within fifteen days from date of notice. If upon such reexamination the boiler is found in serviceable condition, the chief inspector shall immediately notify the carrier in writing, whereupon such boiler

Duties of in-  
spectors.

Defective  
boilers.

may be put into service without further delay; but if the re-examination of said boiler sustains the decision of the district inspector, the chief inspector shall at once notify the carrier owning or operating such locomotive that the appeal from the decision of the inspector is dismissed, and upon the receipt of such notice the carrier may, within thirty days, appeal to the Interstate Commerce Commission, and upon such appeal, and after hearing, said Commission shall have power to revise, modify, or set aside such action of the chief inspector and declare that said locomotive is in serviceable condition and authorize the same to be operated: *Provided further*, That pending either appeal the requirements of the inspector shall be effective.

**Reports.** SEC. 7. The chief inspector shall make an annual report to the Interstate Commerce Commission of the work done during the year, and shall make such recommendations for the betterment of the service as he may desire.

**Accidents to be reported.** SEC. 8. In the case of accident resulting from failure from any cause of a locomotive boiler or its appurtenances, resulting in serious injury or death to one or more persons, a statement forthwith must be made in writing of the fact of such accident, by the carrier owning or operating said locomotive, to the chief inspector.

**Investigations.** Whereupon the facts concerning such accident shall be investigated by the chief inspector or one of his assistants, or such inspector as the chief inspector may designate for that purpose. And where the locomotive is disabled to the extent that it can not be run by its own steam, the part or parts affected by the said accident shall be preserved by said carrier intact, so far as possible, without hindrance or interference to traffic until after said inspection. The chief inspector or an assistant or the designated inspector making the investigation shall examine or cause to be examined thoroughly the boiler or part affected, making full and detailed report of the cause of the accident to the chief inspector.

**Reports.** The Interstate Commerce Commission may at any time call upon the chief inspector for a report of any accident embraced in this section, and upon the receipt of said report, if it deems it to the public interest, make reports of such investigations, stating the cause of accident, together with such recommendations as it deems proper. Such reports shall be made public in such manner as the commission deems proper. Neither said report nor any report of said investigation nor any part thereof shall be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in said report or investigation.

**Violations.** SEC. 9. Any common carrier violating this act or any rule or regulation made under its provisions or any lawful order of any inspector shall be liable to a penalty of one hundred dollars for each and every such violation, to be recovered in a suit or suits to be brought by the United States attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such attorneys, subject to the direction of the Attorney General, to bring such suits upon duly verified information being lodged with them, respectively, of such violations having occurred; and it shall be the duty of the chief inspector of locomotive boilers to give information to the proper United States attorney of all violations of this act coming to his knowledge.

**Annual expenditure.** SEC. 10. The total amounts directly appropriated to carry out the provisions of this act shall not exceed for any one fiscal year the sum of three hundred thousand dollars.

Approved February 17, 1911.

CHAPTER 239.—*Appropriations for the naval service.—Flight-hour day in construction of vessels.*

The President is hereby authorized to have constructed \* \* \*

**Construction authorized.** Four submarine torpedo boats, in an amount not exceeding in the aggregate two million dollars, and the sum of eight hundred

thousand dollars is hereby appropriated for said purpose: *Provided*, That no part of this appropriation shall be expended for the construction of any boat by any person, firm or corporation which has not at the time of the commencement and construction of said vessels established an eight-hour workday for all employees, laborers and mechanics engaged, or to be engaged in the construction of the vessels named herein. Eight-hour law to control.

\* \* \* \* \*

On account of hulls and outfits of vessels and steam machinery of vessels heretofore and herein authorized, thirteen million five hundred and thirty-one thousand seven hundred and eighty-five dollars and seventy-nine cents [are appropriated]: *Provided*, That no part of this appropriation for the construction and machinery of battleships shall be expended for construction of any battleships by any person, firm or corporation which has not at the time of the commencement and during the construction of said vessels established an eight-hour workday for all employees, laborers and mechanics engaged, or to be engaged in the construction of the vessels named herein: *Provided*, That this limitation shall not apply to payments to be made under contracts made prior to the approval of this act: \* \* \* Hulls, etc.  
Eight-hour law to control.

\* \* \* \* \*

Approved March 4, 1911.

**CHAPTER 241.—Appropriations for the service of the Post Office Department.—Hours of labor of letter carriers—Construction of cars—Sunday labor.**

**SECTION 1.** \* \* \* No part of this appropriation [for pay of letter carriers] shall be used to pay letter carriers who are required or permitted to work more than forty-eight hours in the six working days of a week: *Provided further*, That this limitation shall not apply to service performed during the first five and the last fifteen days of the calendar year. Eight-hour day.

\* \* \* \* \*

No part of this amount [appropriated for railway post-office car service] shall be paid for the use of any car which is not sound in material and construction, and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned: *Provided further*, That after the first of July, nineteen hundred and eleven, no pay shall be allowed for the use of any wooden full railway post-office car unless constructed substantially in accordance with the most approved plans and specifications of the Post Office Department for such type of cars, nor for any wooden full railway post-office car run in any train between adjoining steel cars or between the engine and a steel car adjoining, and that hereafter additional cars accepted for this service shall be of steel, or with steel underframe, if used in a train in which a majority of the cars are of like construction: *Provided further*, That after the first of July, nineteen hundred and sixteen, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel or with steel underframe, if such post-office car is used in a train in which a majority of the cars are of steel or of steel underframe construction. Post-office cars.

\* \* \* \* \*

**SEC. 3.** Hereafter for services required on Sundays of supervisory officers, clerks in first and second class post offices, and city letter carriers, compensatory time off during working days in amount equal to that of the Sunday employment may be allowed, under such regulations as the Postmaster General may prescribe; but this provision shall not apply to auxiliary or substitute employees. Sunday work.

Approved March 4, 1911.

CHAPTER 285.—*Appropriations for sundry civil expenses—Interstate Commerce Commission—Member of board of mediation—Investigation of block-signal systems—Mine explosions—Injured employees of Isthmian Canal Commission.*

SECTION 1. \* \* \* \* \*

Mediator under Erdman Act.

The President of the United States from and after the passage of this act is authorized to designate from time to time any member of the Interstate Commerce Commission or of the Court of Commerce to exercise the powers conferred and the duties imposed upon the chairman of the Interstate Commerce Commission by the provisions of the "Act concerning carriers engaged in interstate commerce and their employees," approved June first, eighteen hundred and ninety-eight; and the member so designated, during the period for which he is designated, shall have the powers now conferred by said act on the chairman of the Interstate Commerce Commission.

\* \* \* \* \*

Extension of time for safety appliances.

The jurisdiction of the Interstate Commerce Commission to extend the period within which any common carrier shall comply with the provisions of section three of the act entitled, "An act to supplement 'An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes,' and other safety-appliance acts, and for other purposes," approved April fourteenth, nineteen hundred and ten, shall apply to cars actually placed in service between the date of the passage of said act and the first day of July, nineteen hundred and eleven, in the same manner and to the same extent that it applies to cars actually in service upon the date of the passage of said act.

Investigation of block-signal systems.

To enable the Interstate Commerce Commission to investigate in regard to the use and necessity for block-signal systems and appliances for the automatic control of railway trains and any appliances or systems intended to promote the safety of railway operation which may be furnished in completed shape, including experimental tests, at the discretion of the commission, of such of said systems and appliances only as may be furnished in connection with such investigation free of cost to the Government, twenty-five thousand dollars [are appropriated].

\* \* \* \* \*

Investigation of mine explosions.

For the investigation as to the causes of mine explosions, methods of mining, especially in relation to the safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents and other inquiries and technologic investigations pertinent to the mining industry, three hundred and ten thousand dollars [are appropriated].

\* \* \* \* \*

Scope of law. Compensation.

SEC. 5. Hereafter the act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment shall apply to all employees under the Isthmian Canal Commission, when injured in the course of their employment; and claims for compensation on account of injury or death resulting from an accident occurring hereafter shall be settled by the chairman of the Isthmian Canal Commission, who shall, as to such claims and under such regulations as he may prescribe, perform all the duties

Administration.

Filing claim.

now devolving upon the Secretary of Commerce and Labor: *Provided*, That when an injury results in death, claim for compensation on account thereof shall be filed within one year after such death.

\* \* \* \* \*

Approved March 4, 1911.

## CUMULATIVE INDEX OF LABOR LAWS AND DECISIONS RELATING THERETO.

[This index covers the Twenty-second Annual Report of the Commissioner of Labor, which is a compilation of the labor laws, both Federal and State, in force at the close of the year 1907; it also covers labor laws subsequently enacted and published in Bulletins 53, 91, and 97. Many of the laws contained in the Twenty-second Annual Report are followed by brief notes on the decisions of courts relating to them. Similar decisions reproduced in the Bulletin since the publication of the Twenty-second Annual Report are indexed under the appropriate headings, and are indicated by the letter "D" in parenthesis following the name of the State. Opinions of the Attorney General on the construction, etc., of labor laws are similarly indexed, and are indicated by abbreviation "Op." in parenthesis.]

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## DIRECTORY OF BUREAUS OF LABOR IN THE UNITED STATES AND IN FOREIGN COUNTRIES.

State.	Name of bureau.	Title of chief officer.	Location of bureau.
<b>UNITED STATES.</b>			
United States.....	United States Bureau of Labor.....	Commissioner.....	Washington, D. C.
California.....	Bureau of Labor Statistics.....	Commissioner.....	San Francisco.
Colorado.....	Bureau of Labor Statistics.....	Deputy Commissioner.....	Denver.
Connecticut.....	Bureau of Labor Statistics.....	Commissioner.....	Hartford.
Georgia.....	Department of Commerce and Labor.....	Commissioner.....	Atlanta.
Idaho.....	Bureau of Immigration, Labor, and Statistics.....	Commissioner.....	Boise.
Illinois.....	Bureau of Labor Statistics.....	Secretary.....	Springfield.
Indiana.....	Bureau of Statistics.....	Chief.....	Indianapolis.
Iowa.....	Bureau of Labor Statistics.....	Commissioner.....	Des Moines.
Kansas.....	Bureau of Labor and Industry.....	Commissioner.....	Topeka.
Kentucky.....	Department of Agriculture, Labor, and Statistics.....	Commissioner.....	Frankfort.
Louisiana.....	Bureau of Statistics of Labor.....	Commissioner.....	Baton Rouge.
Maine.....	Bureau of Industrial and Labor Statistics.....	Commissioner.....	Augusta.
Maryland.....	Bureau of Industrial Statistics.....	Chief.....	Baltimore.
Massachusetts.....	Bureau of Statistics.....	Director.....	Boston.
Michigan.....	Bureau of Labor and Industrial Statistics.....	Commissioner.....	Lansing.
Minnesota.....	Bureau of Labor.....	Commissioner.....	St. Paul.
Missouri.....	Bureau of Labor Statistics and Inspection.....	Commissioner.....	Jefferson City.
Montana.....	Bureau of Agriculture, Labor, and Industry.....	Commissioner.....	Helena.
Nebraska.....	Bureau of Labor and Industrial Statistics.....	Deputy Commissioner.....	Lincoln.
New Hampshire.....	Bureau of Labor.....	Commissioner.....	Concord.
New Jersey.....	Bureau of Statistics of Labor and Industries.....	Chief.....	Trenton.
New York.....	Department of Labor.....	Commissioner.....	Albany.
North Carolina.....	Bureau of Labor and Printing.....	Commissioner.....	Raleigh.
North Dakota.....	Department of Agriculture and Labor.....	Commissioner.....	Bismarck.
Ohio.....	Bureau of Labor Statistics.....	Commissioner.....	Columbus.
Oklahoma.....	Department of Labor.....	Commissioner.....	Guthrie.
Oregon.....	Bureau of Labor Statistics and Inspection of Factories and Workshops.....	Commissioner.....	Salem.
Pennsylvania.....	Bureau of Industrial Statistics.....	Chief.....	Harrisburg.
Philippine Islands.....	Bureau of Labor.....	Director.....	Manila.
Rhode Island.....	Bureau of Industrial Statistics.....	Commissioner.....	Providence.
South Carolina.....	Department of Agriculture, Commerce, and Industries.....	Commissioner.....	Columbia.
Texas.....	Bureau of Labor Statistics.....	Commissioner.....	Austin.
Virginia.....	Bureau of Labor and Industrial Statistics.....	Commissioner.....	Richmond.
Washington.....	Bureau of Labor.....	Commissioner.....	Olympia.
West Virginia.....	Bureau of Labor.....	Commissioner.....	Wheeling.
Wisconsin.....	Bureau of Labor and Industrial Statistics.....	Commissioner.....	Madison.
<b>FOREIGN COUNTRIES.</b>			
Argentina.....	Departamento Nacional del Trabajo <sup>1</sup>	Presidente.....	Buenos Aires.
Austria.....	K. K. Arbeitsstatistisches Amt im Handelsministerium.	Vorstand.....	Wien.
Belgium.....	Office du Travail (Ministère de l'Industrie et du Travail).	Directeur Général.....	Bruxelles.
Canada.....	Department of Labor.....	Minister of Labor.....	Ottawa.
Canada: Ontario.....	Bureau of Labor (Department of Public Works).	Secretary.....	Toronto.
Chile.....	Oficina de Estadística del Trabajo.....	Jefe.....	Santiago.
Finland.....	Industristryelsen <sup>1</sup> .....	.....	Helsingfors.
France.....	Office du Travail (Ministère du Travail et de la Prévoyance Sociale).	Directeur.....	Paris.
Germany.....	Abteilung für Arbeiterstatistik, Kaiserliches Statistisches Amt.	Präsident.....	Berlin.
Great Britain and Ireland.....	Labor Department (Board of Trade).	Commissioner of Labor.....	London.

<sup>1</sup> Issues a bulletin of labor.

*Directory of bureaus of labor in the United States and in foreign countries—Concluded.*

State.	Name of bureau.	Title of chief officer.	Location of bureau.
<b>FOREIGN COUNTRIES—concl'd.</b>			
Italy.....	Ufficio del Lavoro (Ministero di Agricoltura, Industria e Commercio).	Direttore Generale.....	Roma.
Netherlands.....	Directie van den Arbeid <sup>1</sup> .....	Directeur General.....	's Gravenhage.
New South Wales.....	State Labor Bureau.....	Director of Labor.....	Sydney.
New Zealand.....	Department of Labor.....	Minister of Labor.....	Wellington.
Spain.....	Instituto de Reformas Sociales.....	Secretario General.....	Madrid.
Sweden.....	Afdelning för Arbetsstatistik (Kgl. Kommerskollegii).	Direktör.....	Stockholm.
Switzerland.....	Secrétariat Ouvrier Suisse (semiofficial).	Secrétaire.....	Zürich.
Uruguay.....	Oficina del Trabajo (Ministero de Industrias, Trabajo é Instrucción Pública).	.....	Montevideo.
International.....	International Labor Office.....	Director.....	Basle, Switzerland.

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The sweating system, by Henry White.<sup>1</sup>
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- No. 6. Industrial communities: Familistère Society of Guise, by W. F. Willoughby.<sup>1</sup>  
Cooperative distribution, by Edward W. Bemis, Ph. D.<sup>1</sup>
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Building and loan associations.<sup>1</sup>
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- No. 14. The Negroes of Farmville, Va.: A social study, by W. E. B. Du Bois, Ph. D.<sup>1</sup>  
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<sup>1</sup> Bulletin out of print.