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**BUREAU OF LABOR STATISTICS**  
ETHELBERT STEWART, Commissioner

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**LABOR LEGISLATION OF 1920**



DECEMBER, 1921

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1922

U. S. DEPARTMENT OF LABOR  
BUREAU OF LABOR STATISTICS  
KATHERINE STEWART, Commissioner

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No. 293

# LABOR REGISTRATION OF 1920

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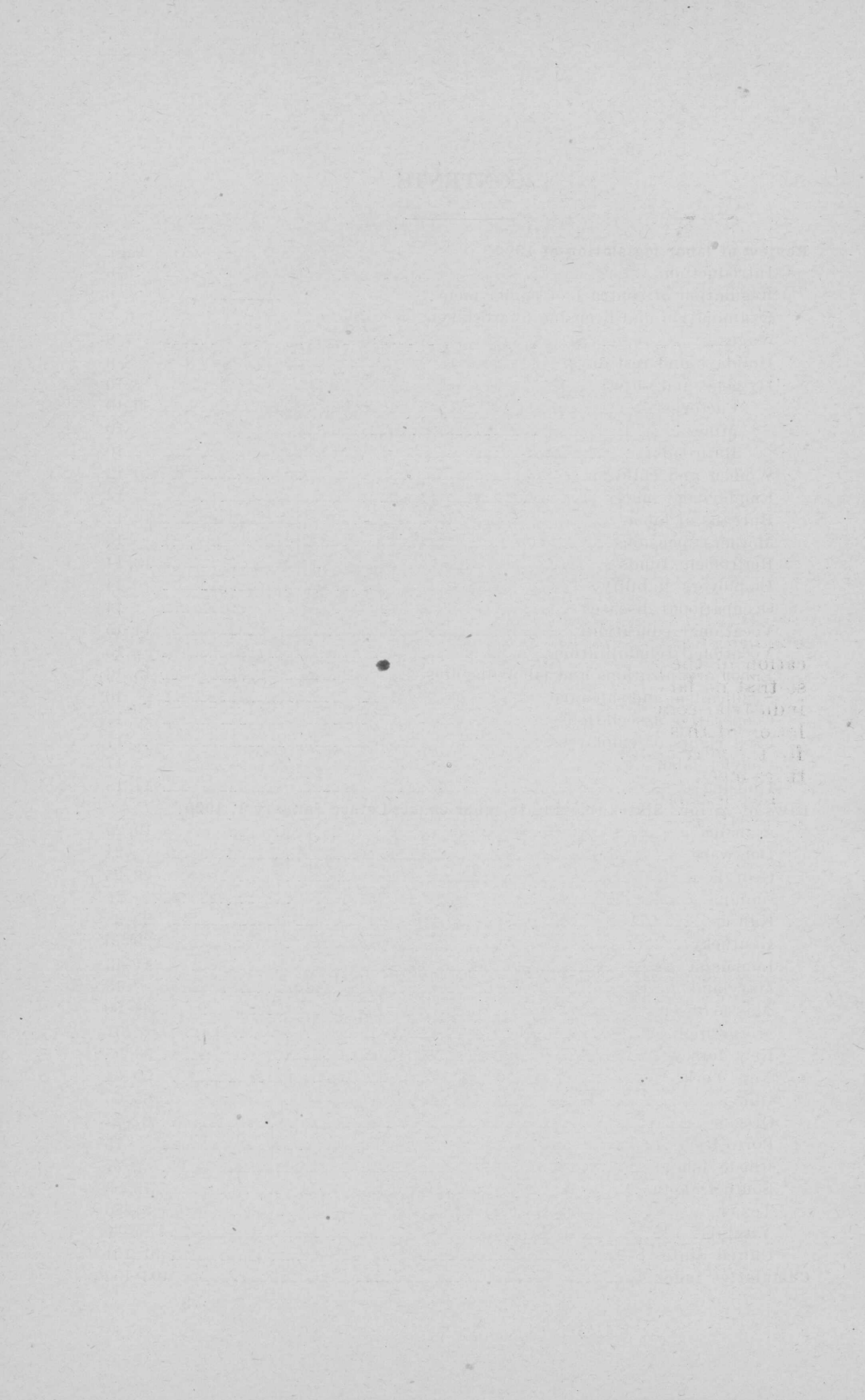
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## CONTENTS.

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<b>Review of labor legislation of 1920:</b>	<b>Page.</b>
Introduction.....	5, 6
Regulation of contract of employment.....	6
Examination and licensing of workmen.....	6, 7
Wages.....	7, 8
Holidays and rest days.....	8, 9
Hygiene and safety.....	9, 10
Factories.....	9, 10
Mines.....	10
Railroads.....	10
Women and children.....	10-12
Employment offices.....	12
Bureaus of labor.....	12, 13
Mothers' pensions.....	13
Retirement funds.....	13, 14
Employers' liability.....	14
Occupational diseases.....	14
Vocational education.....	14, 15
Vocational rehabilitation.....	15
Labor organizations and labor disputes.....	15, 16
Syndicalism and sabotage.....	16
Cooperative associations.....	16, 17
Civil rights of employees.....	17
Convict labor.....	17
Housing.....	17, 18
<b>Laws of various States relating to labor enacted since January 1, 1920:</b>	
Alabama.....	19, 20
Delaware.....	21
Georgia.....	23-25
Indiana.....	27
Kansas.....	29-38
Kentucky.....	39, 40
Louisiana.....	41-43
Maryland.....	45
Massachusetts.....	47-50
Mississippi.....	51
New Jersey.....	53-57
New York.....	59-64
Ohio.....	65, 66
Oregon.....	67-73
Porto Rico.....	75
Rhode Island.....	77
South Dakota.....	79, 80
Texas.....	81-86
Virginia.....	87-89
United States.....	91-101
<b>Cumulative index.....</b>	<b>103-152</b>



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

NO. 292.

WASHINGTON.

DECEMBER, 1921

## REVIEW OF LABOR LEGISLATION OF 1920.

BY LINDLEY D. CLARK.

### INTRODUCTION.

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

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

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

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

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

### REGULATION OF CONTRACT OF EMPLOYMENT.

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

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

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

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

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

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

### EXAMINATION AND LICENSING OF WORKMEN.

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

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

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

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

### WAGES.

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

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

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

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



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

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

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

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

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

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

### HOLIDAYS AND REST DAYS.

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

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

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

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

## HYGIENE AND SAFETY.

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

### FACTORIES.

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

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

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



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

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

#### MINES.

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

#### RAILROADS.

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

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

#### WOMEN AND CHILDREN.

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

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

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

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

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

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

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

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

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

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

### EMPLOYMENT OFFICES.

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

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

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

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

### BUREAUS OF LABOR.

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

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

### MOTHERS' PENSIONS.

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

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

### RETIREMENT FUNDS.

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

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



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

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

### EMPLOYERS' LIABILITY.

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

### OCCUPATIONAL DISEASES.

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

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

### VOCATIONAL EDUCATION.

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

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

### VOCATIONAL REHABILITATION.

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

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

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

### LABOR ORGANIZATIONS AND LABOR DISPUTES.

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

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

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

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

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

## SYNDICALISM AND SABOTAGE.

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

## COOPERATIVE ASSOCIATIONS.

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



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

### CIVIL RIGHTS OF EMPLOYEES.

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

### CONVICT LABOR.

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

### HOUSING.

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



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

## ALABAMA.

### ACTS OF 1920—EXTRA SESSION.

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

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

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

Appropriation.

Approved September 27, 1920.

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

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

Acceptance.

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

Custodian.

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

Administration.

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

Board of Education.

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

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

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

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

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

Approved October 6, 1920.

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

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

## DELAWARE.

### ACTS OF 1920—EXTRA SESSION.

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

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

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

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





## GEORGIA.

### ACTS OF 1920.

#### *Emigrant agents—Definition.*

[Page 87.]

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

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

Approved August 16, 1920.

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

[Page 118.]

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

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

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

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

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

Approved August 17, 1920.

#### *Assignments of wages—Wage brokers.*

[Page 215.]

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

License.

Definition.

Supervision.

Reports.

Employers of labor.

Violations.

Licenses.



per cent per annum. An annual fee of \$100 is required for a license, and only one place of business may be maintained on a single license. The State bank examiner is the licensing official, and investigations may be made by him, and licenses revoked for cause. The law contains the usual provisions as to bonds (\$1,000), records, statements to be furnished borrowers, etc. Interest may not be collected in advance nor compounded, is to be on unpaid balances only, and may not exceed  $3\frac{1}{2}$  per cent per month.

Charges.

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

Assignments.

SECTION 16. No assignment of, or order for the payment of any salary or wages, earned or to be earned, given to secure any such loan shall be valid unless such loan is contracted simultaneously with its execution; nor unless in writing signed in person by the borrower; nor, if the borrower is married, unless signed in person by both husband and wife: *Provided*, That written assent of a spouse shall not be required when husband and wife have been living separate and apart for a period of at least five months prior to such assignment. Under any such assignment or order for the payment of future salary or wages given as security for a loan made under this act, a sum equal to ten (10) per centum of the borrower's salary or wages shall be collectible therefrom by the licensee at the time of each payment of salary or wages from the time that a copy of such assignment, verified by the oath of the licensee, or his agent, together with a verified statement of the amount upon [sic] such loan is served upon the employer.

Notice.

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

Approved August 17, 1920.

#### *Vocational rehabilitation—State and Federal cooperation.*

[Page 279.]

Acceptance of  
Federal act.

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

Treasurer.

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

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

Board.

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

Funds.

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

Appropriation.

Approved August 16, 1920.



## INDIANA.

### ACTS OF 1920—EXTRA SESSION.

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

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

Transfer.

Commission  
abolished.

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

Who to have  
charge.

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

Records, etc.

Approved July 20, 1920.



## KANSAS.

### ACTS OF 1920—EXTRA SESSION.

#### CHAPTER 24.—*Labor organizations—Incorporation.*

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

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

Approved January 26, 1920.

#### CHAPTER 29.—*Court of industrial relations.*

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

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



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

Employments,  
etc., affected.

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

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

Office.

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

Powers.

Rules and reg-  
ulations.

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



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

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

Continuous operation.

Interference.

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

Disputes.

Jurisdiction.

Orders.

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

Industrial conditions.

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

Notice of hearings.

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

Employees.

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

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

Witnesses, etc.

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

Enforcement of orders.

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

Action to suspend.

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

Unions, etc.

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

Protection of witnesses.

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

Boycotts.

Restricting  
output.

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

Violations.

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



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

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

Penalties.

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

Offenses of officers, etc.

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

Court may assume control.

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

Submissions.

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

Taking evidence.



Presumption as  
to wages.

SEC. 23. Any order made by said court of industrial relations as to a minimum wage or a standard of wages shall be deemed prima facie reasonable and just, and if said minimum wage or standard of wages shall be in excess of the wages theretofore paid in the industry, employment, utility or common carrier, then and in that event the workers affected thereby shall be entitled to receive said minimum wage or standard of wages from the date of the service of summons or publication of notice instituting said investigation, and shall have the right individually, or in case of incorporated unions or associations, or unincorporated unions or associations entitled thereto, collectively, to recover in any court of competent jurisdiction the difference between the wages actually paid and said minimum wage or standard of wages so found and determined by said court in such order. It shall be the duty of all employers affected by the provisions of this act, during the pendency of any investigation brought under this act, or any litigation resulting therefrom, to keep an accurate account of all wages paid to all workers interested in said investigation or proceeding: *Provided*, That in case said order shall fix a wage or standard of wages which is lower than the wages theretofore paid in the industry, employment, utility or common carrier affected, then and in that event the employers shall have the same right to recover in the same manner as provided in this section with reference to the workers.

Investigations.

SEC. 24. With the consent of the governor, the judges of said court of industrial relations are hereby authorized and empowered to make, or cause to be made, within this State or elsewhere, such investigations and inquiries as to industrial conditions and relations as may be profitable or necessary for the purpose of familiarizing themselves with industrial problems such as may arise under the provisions of this act. All the expenses incurred in the performance of their official duties by the individual members of said court and by the employees and officers of said court, shall be paid by the State out of funds appropriated therefor by the legislature, but all warrants covering such expenses shall be approved by the governor of said State.

Remedies cu-  
mulative.

SEC. 25. The rights and remedies given and provided by this act shall be construed to be cumulative of all other laws in force in said State relating to the same matters, and this act shall not be interpreted as a repeal of any other act now existing in said State with reference to the same matters referred to in this act, except where the same may be inconsistent with the provisions of this act.

Construction.

SEC. 26. The provisions of this act and all grants of power, authority and jurisdiction herein made to said court of industrial relations shall be liberally construed and all incidental powers necessary to carry into effect the provisions of this act are hereby expressly granted to and conferred upon said court of industrial relations.

Reports.

SEC. 27. Annually and on or before January first of each year, said court of industrial relations shall formulate and make a report of all its acts and proceedings, including a financial statement of expenses, and shall submit the same to the governor of this State for his information. All expenses incident to the conduct of the business of said court of industrial relations shall be paid by the said court on warrants signed by its presiding judge and clerk, and countersigned by the governor and shall be paid out of funds appropriated therefor by the legislature. The said court of industrial relations shall, on or before the convening of the legislature, make a detailed estimate of the probable expenses of conducting its business and proceedings for the ensuing two years, and attach thereto a copy of the reports furnished the governor, all of which shall be submitted to the governor of this State and by him submitted to the legislature.

Expenses.

Provisions sev-  
erable.

SEC. 28. If any section or provision of this act shall be found invalid by any court, it shall be conclusively presumed that this

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

Approved January 23, 1920.

CHAPTER 37.—*Criminal syndicalism—Sabotage.*

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

Definition.

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

Same.

SEC. 3. Any person who, by word of mouth, or writing, advocates, affirmatively suggests or teaches the duty, necessity, propriety or expediency of crime, criminal syndicalism, or sabotage, or who shall advocate, affirmatively suggest or teach the duty, necessity, propriety or expediency of doing any act of violence, the destruction of or damage to any property, the bodily injury to any person or persons, or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, or for profit; or who prints, publishes, edits, issues, or knowingly circulates, sells, distributes, or publicly displays any books, pamphlets, paper, handbill, poster, document, or written or printed matter in any form whatsoever, containing matter advocating, advising, affirmatively suggesting or teaching crime, criminal syndicalism, sabotage, the doing of any act of physical violence, the destruction of or damage to any property, the injury to any person, or the commission of any crime or unlawful act as a means of accomplishing, effecting or bringing about any industrial or political ends or change, or as a means of accomplishing, effecting or bringing about any industrial or political revolution, or for profit, or who shall openly, or at all attempt to justify by word of mouth or writing, the commission or the attempt to commit sabotage, or any act of physical violence, or the destruction of or damage to any property, or the injury of any person or the commission of any crime, or unlawful act, with the intent to exemplify, spread, or teach, or affirmatively suggest criminal syndicalism, or organizes, or helps to organize or become a member of, or voluntarily assembles with any society or assemblage of persons which teaches, advocates or affirmatively suggests the doctrine of criminal syndicalism, sabotage, or the necessity, propriety or expediency of doing any act of physical violence or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution or for profit, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State penitentiary for a term of not less than one year nor more than ten years, or by a fine of not more than \$1,000, or by both such imprisonment and fine.

Offenses.

Assembling.

SEC. 4. The owner, lessee, agent, superintendent or person in charge or occupation of any place, building, room or rooms, or structure, who knowingly permits therein any assembly or consort of persons prohibited by the provisions of section 3 of this act, or who after notification by authorized public or peace officer that the place or premises, or any part thereof, is or are so used, permits such use to be continued, is guilty of a misdemeanor and punishable upon conviction thereof by imprisonment in the county

Permitting assemblage.

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

Approved January 27, 1920.

#### CHAPTER 62.—*Free employment offices.*

- Bureau created.** SECTION 1. In order to promote the establishment and maintenance of free employment offices for men, women and juniors who are legally qualified, seeking employment, and for employers desiring workers, there shall be created in the department of labor and industry a free employment bureau. It shall be in charge of the labor commissioner, who shall appoint, with the approval of the governor, an assistant who shall receive a salary of \$2,000 per annum, who shall have supervision of the free employment bureau under the direction of the labor commissioner. There shall also be appointed in said bureau such assistants and other employees as are necessary to carry out the purpose of the act. Other than as above provided, no salary shall be in excess of \$1,800 per annum.
- Duties.** SEC. 2. It shall be the province and duty of the said bureau, under the direction of the labor commissioner, with the approval of the governor, to establish and maintain a system of free employment offices not exceeding four outside Topeka, provided that from June 1 to August 15 additional offices may be maintained as may be necessary to properly distribute labor necessary for the wheat harvest in the State; maintain a system for clearing labor between the several counties, and adopt such rules and regulations as may be necessary to maintain and conduct such bureau.
- Farm labor.** SEC. 3. It shall be the further duty of the said director of the State free employment service to secure and list, as far as practicable, from the farm agents of the various counties of the State, or county clerks or such other authority to be designated by the county commissioners, the number of extra laborers required from time to time in each community for the purpose of equally distributing labor to meet such demand and to direct idle labor to employment.
- Expenses.** SEC. 4. Out of the appropriations made under this act, the labor commissioner, with the approval of the governor, is authorized to employ such assistants, clerks and other persons; to rent suitable offices; to purchase supplies, material, equipment, office fixtures and apparatus, and to incur such travel and other expense as may be necessary to carry out the provisions of this act.
- Appropriation.** SEC. 5. For the purpose of carrying out the provisions of this act, there is hereby appropriated out of any money in the State treasury not otherwise appropriated, the sum of \$10,000 for the fiscal year ending June 30, 1920; \$25,000 for the fiscal year ending June 30, 1921.
- Act cumulative.** SEC. 6. This act shall be construed as cumulative of all other acts now in force.

Approved January 22, 1920.

## KENTUCKY.

### ACTS OF 1920.

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

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

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

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

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

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

Approved March 17, 1920.

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

Age limits.

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

The new matter follows:]

Who exempt.

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

Continuation schools.

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

Approved March 22, 1920.

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

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

Who to receive certificates.

The persons authorized to issue employment certificates, age certificate or permit under the authority of this act shall issue such certificates to any minor making applications therefor notwithstanding such applicants may have passed the age of sixteen years, and in case of children under sixteen years of age only upon the application in person of the child desiring employment, accompanied by its parent, guardian or custodian, and after having received, examined and approved, in addition to the school record of such child, properly filled out and signed, as provided herein below, and a certificate signed by a public health officer or a physician, appointed by the board of education stating that such child has been examined by him and that in his opinion the child is fourteen years of age or upwards, and has reached the normal development of a child of that age, and is in good health and is physically fit for employment at the work which he intends to do, documentary evidence of age, showing that the child is fourteen years of age or over, which evidence shall consist of one of the following named proofs of age, to be required in the order herein designated as follows:

Requirements.

[The remainder of the section is unchanged.]



## LOUISIANA.

### ACTS OF 1920.

#### ACT No. 108.—*Bribery of employees.*

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

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

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

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

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

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

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

after committing such offense, to any prosecuting attorney, shall be granted full immunity from prosecution under this act in respect of the particular offense reported.

Violations.

SEC. 8. Whoever shall violate any provision of this act shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by imprisonment in the parish prison or jail for not exceeding one year, or by both such fine and imprisonment, at the discretion of the court.

Definition.

SEC. 9. The word "person" used in this act shall be held to include corporations, partnerships, associations and other organizations.

Corporations,  
etc.

SEC. 10. If a corporation, partnership, association or other organization is guilty of a violation of this act, the person or persons through whom the corporation, partnership, association or other organization acts shall also be deemed guilty and punished as herein provided.

Approved July 7, 1920.

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

[This act amends section 6 of act No. 155, Acts of 1908, as amended by act No. 186, Acts of 1914, and No. 232, Acts of 1918, so as to read as follows:]

Amounts to be  
paid.

SECTION 6. The commissioner of labor and industrial statistics shall receive a salary of three thousand (\$3,000) dollars per annum, and each assistant commissioner shall receive a salary of eighteen hundred (\$1,800) dollars per annum. The commissioner shall employ a secretary who shall receive a salary of twelve hundred (\$1,200) dollars per annum. The commissioner and assistant commissioners shall be allowed not to exceed six hundred (\$600) dollars per annum for office maintenance and not to exceed twenty-five hundred (\$2,500) dollars per annum for traveling and all other necessary expenses incurred in the performance of their duties. All salaries and expenses shall be payable monthly out of the general fund upon the warrant of the commissioner.

Expenses.

Approved July 7, 1920.

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

Payment re-  
quired.

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

Violations.

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

Approved July 7, 1920.

*Act No. 209.—Mothers' pensions.*

Who to receive.

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

Amounts.

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

Conditions.

Administration.

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

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

Who to pay fees.

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

Amounts.

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

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

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

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

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

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

\* \* \* \* \*

Approved July 8, 1920.



## MARYLAND.

### ACTS OF 1920.

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

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

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

Approved April 9, 1920.

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

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

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

Approved April 9, 1920.

#### CHAPTER 715.—*Mining code commission.*

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

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

Approved April 23, 1920.





## MASSACHUSETTS.

### ACTS OF 1920.

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

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

#### CHAPTER 179.—*Retirement of public employees.*

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

Definition.

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

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

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

Bond required.

Claim within  
sixty days.

Approved March 27, 1920.

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

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

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

Who may suspend.

Approved March 30, 1920.

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

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

Payment weekly.

Approved March 30, 1920.

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

SECTION 1. No minor under sixteen years of age shall be employed or permitted to operate, clean or repair a freight elevator.

Acts forbidden.

SEC. 2. Violation of the provisions of this act shall be punished by a fine of not more than one hundred dollars.

Penalty.

Approved April 9, 1920.

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

Allowance.

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

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

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

Approved April 30, 1920.

CHAPTER 387.—*Minimum wages—Revision of decrees.*Commission  
may act.

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

CHAPTER 412.—*Free employment service—Notice of strike.*Notice to be  
given.

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

Approved May 6, 1920.

CHAPTER 417.—*Employment of labor—Specifications for weavers.*Data to be  
shown.

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

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

Approved May 6, 1920.

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

Definition.

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

Enforcement.

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

Sanitary re-  
quirements.

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

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

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

Dressing rooms.

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

Sitting, etc.,  
on tables, etc.

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

Workers to  
wash hands.

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

Infectious, etc.,  
diseases.

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

Physical exam-  
inations.

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

Bakery closed,  
when.

Approved May 6, 1920.

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

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

Commission es-  
tablished.

Duties.

## Expenses.

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

Approved May 26, 1920.

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

Commission created.

## Duties.

## Report.

## Expenses.

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

Approved June 4, 1920.



## MISSISSIPPI.

### ACTS OF 1920.

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

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

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

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

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

Approved March 27, 1920.



## NEW JERSEY.

### ACTS OF 1920.

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

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

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

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

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

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

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

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

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

Purposes authorized.

Stock.

Profit sharing.

Benefits.

Members of board.

How accomplished.

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

Dissenting  
stockholders.

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

Recall, etc., of  
plans.

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

Act construed.

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

Provisions sev-  
erable.

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

Approved April 15, 1920.

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

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

Violations.

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

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

Approved April 20, 1920.

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

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

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

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

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

Approved April 21, 1920.

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

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

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

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



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

Administration.

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

Approved April 21, 1920.

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

Influencing employees.

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

Use of pay envelopes.

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

Handbills, etc.

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

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

Violations.

Passed May 5, 1920.

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

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

Act accepted.

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

State board to cooperate.

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

Plans to be formed.

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

Custody of funds.

Approved September 17, 1920.



## NEW YORK.

### ACTS OF 1920.

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

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

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

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

Subdivision 2 now reads as follows:]

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

Became a law April 11, 1920.

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

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

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

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

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

Became a law May 5, 1920.

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

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

#### CHAPTER 602.—*Industrial commission—Variations.*

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

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

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

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

Female em-  
ployees.

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

Notice.

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

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

Became a law May 10, 1920.

CHAPTER 604.—*Factory inspectors—Salaries.*

Increases.

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

In effect.

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

[The following new subdivision (3) is also added to section 54:]

Safety inspect-  
ors.

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

Became a law May 10, 1920.

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

Scope.

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



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

Returns.

CHAPTER 760.—*Rehabilitation of injured persons.*

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

Allowances.

ARTICLE 47.—*Rehabilitation.*

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

Title.

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

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

Definitions.

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

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

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

SEC. 1202. This article shall not apply to:

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

Exceptions.

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

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

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

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

Advisory commission.

SEC. 1204. The commission shall have power:

Powers.

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

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

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

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

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

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

**Duties.**

SEC. 1205. The industrial commission shall:

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

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

**Department of health.**

SEC. 1206. The department of health shall:

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

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

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

**Who may apply.**

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

**Board to investigate.**

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

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

**Procedure.**

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

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

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

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

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

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

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

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

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

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

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

Gifts.

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

Federal law.

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

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

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

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

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

Appropriation.

Became a law May 13, 1920.

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

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

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

Inspectors.

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

Became a law May 21, 1920.

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

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

Became a law May 21, 1920.

## OHIO.

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

#### *Factory regulations—Safety provisions—Fire drills.*

(Page 1121.)

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

When required.

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

Regulations.

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

Fireproof buildings.

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

Violations.

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

#### *Occupational diseases—Reports by physicians.*

[Page 1129.]

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

Act enlarged.



*Mine regulations—Rescue stations.*

[Page 1278.]

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

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

Approved February 18, 1920.

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

[Page 1286.]

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

### ACTS OF 1920—EXTRA SESSION.

#### CHAPTER 4.—*Industrial and reconstruction hospital.*

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

Repeal.

Approved by the governor January 16, 1920.

#### CHAPTER 6.—*Rehabilitation of injured workmen.*

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

Fund created.

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

Rules.

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

Use of fund.

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

School boards.

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

Blind and deaf.

Approved by the governor January 17, 1920.

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

What aliens  
barred.

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

Accepting em-  
ployment.

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

List of employ-  
ees.

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

Violations.

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

Approved by the governor January 20, 1920.

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

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

Fee a debt.

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

Recovery.

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

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

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

Duty of em-  
ployers.

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

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

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

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

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

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

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

Fixing stand-  
ards.

SEC. 5. The commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules and regulations, or otherwise:

(1) To declare and prescribe what safety devices, safeguards or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as required by law or lawful order.

(2) To fix reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption, installation, use, maintenance and operation of safety devices, safeguards and other means or methods of protection, to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life and safety of employees in employment and places of employment.

(3) To fix and order such reasonable standards for the construction, repair and maintenance of places of employment and equipment as shall render them safe.

(4) To require the performance of any other act which the protection of the life and safety of employees in employments and places of employment may demand.

Hearings.

SEC. 6. Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and issuing a general safety order or orders as authorized by section 5 hereof, the commission shall cause a notice of such hearing to be published in one or more daily newspapers of general circulation published and circulated in the city of Portland, Multnomah County, Oregon, and in such other papers of general circulation in the State of Oregon and published therein as the commission may deem expedient. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any general order issued by the commission after hearing had.

Orders.

SEC. 7. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that any employment or place of employment is not safe or that the practices or means or methods or operations or processes employed or used in connection therewith are unsafe, or do not afford adequate protection to the life and safety of employees in such employments and places of employment, the commission shall make and enter and serve such order relative thereto as may be necessary to render such employment or place of employment safe and protect the life and safety of employees in such employment and places of employment, and may in said order direct that such additions, repairs, improvements or changes be made and such safety devices and safeguards be furnished, provided and used, as are reasonably required to render such employment or place of employment safe, in the manner and within the time specified in said order.

Time for com-  
pliance.

SEC. 8. The commission may, upon application of any employer, or other person affected thereby, grant such time as may reasonably be necessary for compliance with any order, and any person affected by such order may petition the commission for an extension of time, which the commission shall grant if it finds such an extension of time necessary.

Orders, etc., to  
be obeyed.

SEC. 9. Every employer, employee and other person shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the commission in connection with the matters herein specified, or in any way relating to or affecting safety of employments or places of employment, or to protect the life and safety of employees in such employments or places of employment, and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation.

Rehearings.

SEC. 10. (a) Any party or person aggrieved directly or indirectly by any final order, decision, rule or regulation of the commission, made or entered under any provision contained in this act, may apply to the commission for a rehearing in respect to



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

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

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

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

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

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

Changes.

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

Review by courts.

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

Appeals.

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

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

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

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

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

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

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

General powers.

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

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

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

Orders as evidence.

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

Violations.

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

Separate offenses.

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

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

Penalties.

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

Expenses and fines.

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

Enforcement.

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

Definition.

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

Provisions severable.

Approved by the governor January 20, 1920.



## PORTO RICO.

### ACTS OF 1920.

#### ACT No. 2.—*Homes for workingmen.*

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

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

Use of funds.

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

Areas.

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

Approved May 6, 1920.

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

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

City homes.





## RHODE ISLAND.

### ACTS OF 1920.

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

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

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

Only members  
to wear.

Approved January 28, 1920.

#### CHAPTER 1849.—*Factory inspectors.*

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

Salaries.

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

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

Owner's duty.



## SOUTH DAKOTA.

### ACTS OF 1920—SECOND EXTRA SESSION.

#### CHAPTER 54.—*Free public employment offices.*

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

Service department established.

Agents.

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

Locations.

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

Clerical aid.

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

Registry.

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

Reports.

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

Claims.

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

Strikes or lock-outs.

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

Advertising.

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

Fees.

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

Violations.

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

Bulletin.

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

Registers.

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

Approved July 3, 1920.

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

Duty of commissioner.

SECTION 1. In case of strikes, lockouts or other controversies between employers and employees, the industrial commissioner, whenever he deems it advisable in the interest of the public or either party, shall endeavor to conciliate the parties to the controversy and induce them to confer with each other and compose their differences. If his efforts as conciliator prove unsuccessful, he shall thereupon impartially investigate the matters in difference between the parties giving each ample opportunity for presentation of the facts and shall thereupon make his report of the issues involved and his recommendation for settlement of the controversy and furnish a copy thereof to each of the parties and to the local newspapers for publication for the information of the public. The industrial commissioner shall have the right, if he so desires, or if requested by either party, to call in two capable and disinterested citizens to assist in the investigation and advise with him as to his recommendations.

Investigation.

Approved June 30, 1920.



## TEXAS.

### ACTS OF 1920—THIRD SPECIAL SESSION.

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

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

Nonaction requested.

Approved June 12, 1920.

### ACTS OF 1920—FOURTH SPECIAL SESSION.

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

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

Common carrier.

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

Commerce.

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

Policy declared.

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

Interference forbidden.

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

Conspiracy.

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

Putting in fear.

gaged in such work and when employed for such work which is reasonably calculated, intended or designed to cause such person or persons so engaged to desist from performing such work through fear of physical violence or destruction of his property shall be deemed to have intimidated, molested or harassed such person or persons engaged in the work of loading or unloading or transporting commerce within this State.

Person engaged  
in work.

SEC. 7. The term "person or persons engaged in the work of loading or unloading or transporting commerce in this State" as used in this act shall be construed as including any person or persons employed in any way in the docks, wharves, switches, railroad tracks, express companies, compresses, depots, freight depots, pipe lines, or approaches or appurtenances to or incident to or used in connection with the handling of commerce by common carriers within this State. This section by naming certain occupations and work shall not be construed to exclude any other occupation or work not named, but reasonably incident to and necessary for the transportation of commerce in this State by common carriers.

Exemption.

SEC. 8. The provisions of this act shall not apply to peace officers in the discharge of their lawful duties.

Penalties.

SEC. 9. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for a term of not less than thirty days nor more than one year, or by both such fine and imprisonment: *Provided, however,* Should any person violating any of the provisions of this act use any physical violence upon, or threaten the life of any person engaged in the work of loading or unloading, or transporting any commerce, as defined in this act, he shall be deemed guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than one year or more than five years.

Governor to  
act.

SEC. 10. If at any time the movement of commerce by common carriers of this State or any of them is interfered with in violation of the provisions of this act, and the governor of this State, after investigation, becomes convinced that the local authorities were failing to enforce the law, either because they were unable or unwilling to do so, the governor shall, in order that the movement of commerce may not be interfered with, forthwith issue his proclamations declaring such conditions to exist and describing the area thus affected.

Powers.

SEC. 11. Upon the issuance of the proclamation provided for in the preceding section, the governor shall exercise full and complete police jurisdiction of the area described in the proclamation whether the same be all within or partly within, or partly without the limits of any incorporated city or county; the exercise of said police jurisdiction by the governor, as above set out, shall supersede all police authority by any and all local authority, provided that the governor shall not disturb the local authorities in the exercise of police jurisdiction, at any place outside the district described in his proclamation.

Arrests.

SEC. 12. No peace officer of the State of Texas shall be permitted to make arrests after the governor's proclamation has become effective, in the territory embraced by such proclamation, except officers acting under the authority of the governor under the provisions of this act. Persons arrested within the district shall be delivered forthwith to the proper authorities for trial.

Prosecutions.

SEC. 13. Indictment for violation of the provisions of this act may be returned by the grand jury of the county in which the violation occurs, or by the grand jury of any county adjoining the county in which the territory embraced in the governor's proclamation is situated. Any person indicted may be prosecuted and tried in the county in which the indictment is returned, but no indictment shall be returned in any county except where the offense occurred, until after the governor has issued his proclama-

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

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

Venue.

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

Attorney general.

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

Enforcement.

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

Construction of act.

Approved October 2, 1920.

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

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

Commission created.

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

Organization.

- and to pay said secretary and stenographer a reasonable salary. The salary shall be paid out of the fund or funds described in section 1 of this act.
- Duty of governor.** SEC. 3. When the governor of Texas becomes convinced or has reason to believe that controversies between employers and employees are of such nature and character as to be of public concern or interest he shall refer, by proclamation, such controversy or controversies to the commission here created for hearing and report.
- Procedure.** SEC. 4. The commission, and the members thereof, shall forthwith proceed to the place where the employees in the controversy may be located, or to such other place as may appear best to said commission for the purpose of making investigation and report; and said commission shall make investigation and hear testimony concerning the controversy between the employers and employees; and after said investigation shall have been completed a full report shall be made to the governor, covering the facts established by the investigations made and hearings had. Said commission shall make recommendations to the governor as to what action should be taken in reference to the controversy or the settlement thereof.
- Hearings.** SEC. 5. All hearings had by this commission shall be open to the public; and the findings and recommendations of the commission shall be furnished to the news agencies and newspapers of the State, to be published by the several papers of this State as news items.
- Reports.** SEC. 6. The commission shall also make full report to the legislature, if in session, and if not in session, then to the succeeding session of the legislature, setting forth the findings and recommendations, accompanied by a transcript of the testimony taken at the hearings provided for herein.
- Powers.** SEC. 7. The commission shall have power to summon witnesses, to issue subpoenas, to compel attendance of witnesses, to compel production of books and records by witnesses, to punish for contempt, to hold sessions and to take testimony in or out of the State of Texas, and to pay witnesses as paid in felony cases, to administer oaths; and to have all powers now given by statutes of Texas to legislative investigation committees.
- Approved October 4, 1920.

#### CHAPTER 13.—*Emigrant agents.*

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

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

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

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

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

Fee.

Bond.

Revocation.

Notice of license.

Records.

Registers.

Fees.

Return.

Enforcement.



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

Violations.

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

Funds.

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

Approved October 19, 1920.

CHAPTER 14.—*Emigrant agents—Tax.*

Occupation tax.

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

Violations.

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

Approved October 19, 1920.

## VIRGINIA.

### ACTS OF 1920.

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

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

Days of rest.

Approved March 16, 1920.

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

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

Powers of commission.

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

Enforcement.

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

Rate of compliance.

Approved March 19, 1920.

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

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

Vacation: employment.

Approved March 20, 1920.

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

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

Division of rehabilitation.

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

Applicants.

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

Appointments.

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

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

Awards terminate, when.

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

Appropriation.

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

Gifts, etc.

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

Federal cooperation.

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

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

Approved March 20, 1920.

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

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

SECTION 1810. No child under sixteen years of age shall be employed or permitted to work in any mine or quarry. No child under sixteen years of age shall be employed or permitted to work in, about or in connection with any establishment or occupation named in section eighteen hundred and nine for more than six days in any one week, nor more than eight hours in any one day, nor before the hour of seven o'clock in the morning, nor after the hour of nine o'clock in the evening; nor be employed or permitted to work in, about, or in connection with any establishment or occupation named in section eighteen hundred and nine, unless the person, firm or corporation employing such child procures and keeps on file and accessible to any inspector of factories, or other authorized inspector or officer charged with the enforcement of this section, the employment certificate required in the following section, and keeps two complete lists of the names, together with the ages of all children under sixteen years of age, employed in or for such establishment, or for such occupation, one on file and one conspicuously posted near the principal entrance of the place or establishment in which such children are employed. On the termination of the employment of a child, whose employment certificate is on file, such certificate shall be returned by the employer within two days to the official who issued it, with a statement of the reasons for the termination of said employment.

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

Approved March 25, 1920.

Age limit.

Hours of labor.

Night work.

Certificate.

Repeal.

Exemption.





## UNITED STATES.

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

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

(41 Stat. 469.)

##### SECTION 300. When used in this title—

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

Definitions.

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

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

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

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

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

Avoidance of interruptions.

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

Boards of adjustment.

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

To act, when.

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

Railroad labor  
board.

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

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

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

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

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

Appointments.

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

Eligibility.

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

Terms

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

Cases from  
boards of adjust-  
ment.

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

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

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

Cases on petition.

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

Decisions.

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

Rates, etc., to be reasonable.

(1) The scales of wages paid for similar kinds of work in other industries;

(2) The relation between wages and the cost of living;

(3) The hazards of the employment;

(4) The training and skill required;

(5) The degree of responsibility;

(6) The character and regularity of the employment; and

(7) Inequalities of increases in wages or of treatment, the result of previous wage orders or adjustments.

Sec. 308. The Labor Board—

(1) Shall elect a chairman by majority vote of its members;

(2) Shall maintain central offices in Chicago, Illinois, but the Labor Board may, whenever it deems it necessary, meet at such other place as it may determine;

Organization.  
Offices.

## Duties.

(3) Shall investigate and study the relations between carriers and their employees, particularly questions relating to wages, hours of labor, and other conditions of employment and the respective privileges, rights, and duties of carriers and employees, and shall gather, compile, classify, digest, and publish, from time to time, data and information relating to such questions to the end that the Labor Board may be properly equipped to perform its duties under this title and that the members of the adjustment boards and the public may be properly informed;

(4) May make regulations necessary for the efficient execution of the functions vested in it by this title; and

## Reports.

(5) Shall at least annually collect and publish the decisions and regulations of the Labor Board and the adjustment boards and all court and administrative decisions and regulations of the Commission in respect to this title, together with a cumulative index-digest thereof.

## Representation.

SEC. 309. Any party to any dispute to be considered by an adjustment board or by the Labor Board shall be entitled to a hearing either in person or by counsel.

## Witnesses.

SEC. 310. (a) For the efficient administration of the functions vested in the Labor Board by this title, any member thereof may require, by subpoena issued and signed by himself, the attendance of any witness and the production of any book, paper, document, or other evidence from any place in the United States at any designated place of hearing, and the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction, and shall then be subscribed to by the deponent. Any member of the Labor Board may administer oaths and examine any witness. Any witness summoned before the board and any witness whose deposition is taken shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) In case of failure to comply with any subpoena or in case of the contumacy of any witness appearing before the Labor Board, the board may invoke the aid of any United States district court. Such court may thereupon order the witness to comply with the requirements of such subpoena, or to give evidence touching the matter in question, as the case may be. Any failure to obey such order may be punished by such court as a contempt thereof.

(c) No person shall be excused from so attending and testifying or depositing, nor from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing, as to which in obedience to a subpoena and under oath, he may so testify or produce evidence, documentary or otherwise. But no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

Access to books,  
etc.

SEC. 311 (a) When necessary to the efficient administration of the functions vested in the Labor Board by this title, any member, officer, employee, or agent thereof, duly authorized in writing by the board, shall at all reasonable times for the purpose of examination have access to and the right to copy any book, account, record, paper, or correspondence relating to any matter which the board is authorized to consider or investigate. Any person who upon demand refuses any duly authorized member, officer, employee, or agent of the Labor Board such right of access or copying, or hinders, obstructs, or resists him in the exercise of such right, shall upon conviction thereof be liable to a penalty of \$500 for each such offense. Each day during any part of which such offense continues shall constitute a separate offense. Such penalty shall be recoverable in a civil suit brought in the

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

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

Officers, etc., of  
United States.

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

Transfer of  
books, etc.

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

Wages to be  
maintained.

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

Violations.

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

Appointees.

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

Appropriation.

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

Board of medi-  
ation and concili-  
ation.

Approved February 28, 1920.



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

[41 Stat. 537.]

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

Death on high seas.

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

Recovery.

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

Limitation.

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

Foreign laws.

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

Death during pendency of suit.

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

Contributory negligence.

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

State laws.

Exemptions.

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

Pending suits.

Approved, March 30, 1920.

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

[41 Stat. 607, 613.]

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

Use forbidden.

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

[41 Stat. 735.]

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

Purpose.

Appropriation.

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

Expenditures.

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

Persons covered.

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

Action by States.

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

Federal board.

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

Payments.

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

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

SEC. 6. There is hereby appropriated to the Federal Board for Vocational Education the sum of \$75,000 annually for a period of four years for the purpose of making studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placements in suitable or gainful occupations, and for the administrative expenses of said board incident to performing the duties imposed by this act, including salaries of such assistants, experts, clerks, and other employees, in the District of Columbia or elsewhere as the board may deem necessary, actual traveling and other necessary expenses incurred by the members of the board and by its employees, under its orders, including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia and elsewhere, purchase of books of reference, law books, and periodicals, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding to be done at the Government Printing Office, and all other necessary expenses.

Appropriation.

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

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

Salaries.

SEC. 7. The Federal Board for Vocational Education is hereby authorized and empowered to receive such gifts and donations from either public or private sources as may be offered unconditionally. All moneys received as gifts or donations shall be paid into the Treasury of the United States, and shall constitute a permanent fund, to be called the "Special fund for vocational rehabilitation of disabled persons," to be used under the direction of the said board to defray the expenses of providing and maintaining courses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training. A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted annually to Congress by said board: *Provided*, That no discrimination shall be made or permitted for or against any person or persons who are entitled to the benefits of this act because of membership or nonmembership in any industrial, fraternal, or private organization of any kind under a penalty of \$200 for every violation thereof.

Gifts, etc.

Approved June 2, 1920.

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

[41 Stat. 987.]

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

Bureau established.

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

Director.

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

Approved, June 5, 1920.

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

[41 Stat. 988, 1006, 1007.]

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

Approved June 5, 1920.



ACTS OF 1920-21—SIXTY-SIXTH CONGRESS—THIRD  
SESSION.CHAPTER 4.—*Hospital treatment for diseased alien seamen.*

[41 Stat. 1082.]

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

Treatment to  
be furnished.

Approved, December 26, 1920.

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

[41 Stat. 1082.]

[The customary prohibition. See p. 96.]

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

[41 Stat. 1367, 1426.]

## SECTION 1.

\* \* \* \* \*

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

Purpose.

Appropriation.

Approved March 4, 1921.



# CUMULATIVE INDEX.

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
<b>A.</b>				<b>Accidents in mines, reports and investigation of:</b>			
Abandonment of employment. ( <i>See</i> Contracts of employment.)				Alabama.....	166, 168	---	---
Abandonment of locomotives, etc. ( <i>See</i> Strikes of railroad employees.)				Alaska.....	193	---	---
Absence, leave of. ( <i>See</i> Leave of absence.)				Arizona.....	219, 220	---	---
Absent voters.....	186	47		Arkansas.....	236	---	---
	244	50, 51		Colorado.....	336, 340	---	---
	257	23			341, 387	---	---
	277	36		Idaho.....	510	---	---
( <i>See also</i> Railroad employees, etc., voting by.)				Illinois.....	614	244	143
Accident insurance. ( <i>See</i> Insurance, accident.)				Indiana.....	658	---	---
Accident, old age, etc., relief:				Iowa.....	730, 753	---	---
Alaska.....	186				758, 759	---	---
Arizona.....	186	74, 75		Kansas.....	780, 781	---	---
Minnesota.....	277	153		Kentucky.....	166	58	
Accident prevention:				Maryland.....	927	---	---
California.....	244	84		Michigan.....	1077	---	---
Illinois.....	587, 588			Minnesota.....	1111	---	---
Nebraska.....	1285			Missouri.....	1190, 1191	---	---
New Jersey.....	1430			Montana.....	1268	---	---
Ohio.....	1674			Nevada.....	1330, 1331	---	---
Virginia.....	166	209		New Jersey.....	277	222	
Wisconsin.....	2256			New Mexico.....	1448	---	---
Accidents, industrial, commissions on, digest of law as to.....	146			New York.....	1525, 1526	---	---
Accidents, industrial, reports and investigation of:				North Carolina.....	1569-1571	---	---
California.....	244	82, 84, 85		Ohio.....	1618, 1619	---	---
Connecticut.....	416, 417				1621, 1627	---	---
Illinois.....	561, 571			Oklahoma.....	1735	---	---
Indiana.....	646			Pennsylvania.....	1812	---	---
Iowa.....	757				1813, 1876	---	---
Kansas.....	776, 777				1904, 1915	---	---
Louisiana.....	861, 862			South Dakota.....	2010	---	---
Maine.....	878, 889			Tennessee.....	2030, 2050	244	325
Massachusetts.....	1033-1035	166	141	Utah.....	2117, 2118	---	---
Minnesota.....	1097			Virginia.....	2174	---	---
Missouri.....	1132, 1133	277	152, 153	Washington.....	2203, 2204	244	351
Montana.....	1179	277	163			277	321-330
Nebraska.....	1300	277	191	West Virginia.....	2253	186	403, 415
New Jersey.....	1391			Wyoming.....	2339, 2344	---	---
	1415, 1421	277	218	United States.....	2410	---	---
New York.....	1481, 1482			( <i>See also</i> Mine regulations.)			
	1489, 1510			Accidents on railroads, etc., reports and investigation of:			
Ohio.....	1647, 1648			Alabama.....	157	---	---
Oklahoma.....	1717, 1718	186	311, 312	Arizona.....	230	---	---
Oregon.....	1769			California.....	351	186	84
Pennsylvania.....	1787			Colorado.....	403, 422	---	---
Rhode Island.....	1849, 1927			Connecticut.....	464	---	---
Tennessee.....	1971			District of Columbia.....	467, 478	---	---
	2030			Florida.....	506	---	---
Utah.....	2064, 2065	244	345	Hawaii.....	627	---	---
Vermont.....	244	347		Illinois.....	664	---	---
Wisconsin.....	2258	186	421	Indiana.....	675, 705	---	---
	2292, 2293	244	364		724	---	---
Wyoming.....	244	370		Iowa.....	776, 777	---	---
( <i>See also</i> Inspection of factories, etc.)				Kansas.....	813	---	---
				Kentucky.....	890, 891	---	---
				Maine.....	897	---	---
				Maryland.....	949, 950	---	---
				Massachusetts.....	1073	---	---
				Michigan.....	1109	---	---
				Minnesota.....	1149	---	---
				Mississippi.....	1216	---	---
				Missouri.....	1231, 1271	---	---
				Montana.....	1315	244	217
				Nebraska.....	1335, 1336	---	---
				Nevada.....	1366	---	---
				New Hampshire.....	1409	---	---
				New Jersey.....		---	---

	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Accidents on railroads, etc., reports and investigation of—Concluded.					Age of employment of telegraph operators on railroads. ( <i>See</i> Tele- graph operators, etc.)				
New York.....	1554	.....	.....		Agents, emigrant. ( <i>See</i> Emigrant agents.)				
North Dakota.....	1593, 1594	.....	.....		Aid societies. ( <i>See</i> Bene- fit societies.)				
Ohio.....	1604	.....	.....		Air, compressed, work in. ( <i>See</i> Compressed air.)				
Oregon.....	1764, 1773	186	311, 312		Air space required in workrooms:				
Pennsylvania.....	1937, 1938	.....	.....		Arizona.....	211	.....	.....	
Porto Rico.....	.....	244	312, 313		Delaware.....	.....	244	.....	116
Rhode Island.....	1989	.....	.....		Illinois.....	568, 569	.....	.....	
South Carolina.....	1995-1997	.....	.....		Indiana.....	648	.....	.....	
South Dakota.....	2020	.....	.....		Maryland.....	918	166	108, 104	
Utah.....	.....	244	336		Michigan.....	1069	.....	.....	
Vermont.....	2138, 2139	.....	.....		Minnesota.....	1120	.....	.....	
Virginia.....	2154	.....	.....		New Jersey.....	1141, 1142	.....	.....	
Washington.....	2210, 2213	.....	.....		New York.....	1390	244	.....	237
Wisconsin.....	2214, 2217	.....	.....		Pennsylvania.....	1509, 1518	.....	.....	
Wyoming.....	2284, 2285	244	370		Porto Rico.....	1839, 1847	186	.....	339
United States.....	2425, 2426	.....	.....		Tennessee.....	1963	.....	.....	
	2429, 2430	.....	.....		Wisconsin.....	2264	186	.....	382
Accidents on vessels, etc:						2266, 2321	186	.....	433
Michigan.....	1059	.....	.....		( <i>See also</i> Factories and workrooms.)				
New York.....	1542	.....	.....		Alien contract labor:				
United States.....	.....	186	449		Delaware.....	434	.....	.....	
Accidents, provisions for:					Hawaii.....	495	.....	.....	
Alabama.....	180	.....	.....		Indiana.....	642	.....	.....	
Alaska.....	.....	186	71		Virginia.....	2152	.....	.....	
Arizona.....	220	.....	.....		Wyoming.....	2331	.....	.....	
Arkansas.....	244	.....	.....		United States.....	2414-2416	244	375-377	
California.....	307, 308	244	84, 94		( <i>See also</i> Coolie labor.)				
Colorado.....	378	.....	.....		Alien laborers, employ- ment of, in fisheries:				
Connecticut.....	.....	186	119		Alaska.....	185, 186	.....	.....	
Illinois.....	580-582	186	149		Washington.....	.....	186	.....	397
Indiana.....	614	.....	.....		Alien laborers, protection of:				
Iowa.....	659, 677	.....	.....		Connecticut.....	405	.....	.....	
Kansas.....	753	.....	.....		Hawaii.....	505	.....	.....	
Kentucky.....	.....	244	169-171		New York.....	1531, 1532	.....	.....	
Maryland.....	831	166	67		Pennsylvania.....	.....	186	.....	337
Massachusetts.....	932	.....	.....		Wyoming.....	2347	.....	.....	
Michigan.....	982	166	132		Aliens, employers of, to deduct taxes from wages:				
Montana.....	.....	186	.....		Pennsylvania.....	1844, 1845	.....	.....	
Nevada.....	1070, 1091	277	141, 142		Aliens, employment of:				
New Hampshire.....	1243, 1244	.....	.....		Arizona.....	.....	186	.....	75
New Jersey.....	1266	.....	.....		Montana.....	.....	277	.....	174
New Mexico.....	1335	.....	.....		Aliens, employment of, on public works:				
New York.....	1362	.....	.....		Arizona.....	196, 197	.....	.....	
North Carolina.....	1409	244	242		California.....	261, 277	186	89, 90	
Ohio.....	1447	.....	.....		Hawaii.....	496, 502	.....	.....	
Oklahoma.....	1515	186	283, 284		Idaho.....	507, 519	.....	.....	
Pennsylvania.....	1575, 1576	.....	.....		Massachusetts.....	967	.....	.....	
Porto Rico.....	1620, 1625	166	193		Nevada.....	.....	277	208, 209	
Tennessee.....	1738	.....	.....		New Jersey.....	1386	.....	.....	
Utah.....	1803, 1836	.....	.....		New York.....	1479, 1480	186	.....	251
Virginia.....	1837, 1897	.....	.....		Oregon.....	.....	292	.....	68
West Virginia.....	1955	244	311, 312		Pennsylvania.....	1838, 1839	.....	.....	
Wisconsin.....	2063	.....	.....		Washington.....	.....	277	.....	321
Wyoming.....	2065-2067	.....	.....		Wyoming.....	2328	.....	.....	
Actions for injuries. ( <i>See</i> Injuries.)	2113, 2120	.....	.....		( <i>See also</i> Chinese, em- ployment of; Pub- lic works, prefer- ence of resident la- borers on.)				
Actions for wages. ( <i>See</i> Suits for wages.)	2172, 2173	.....	.....		American Museum of Safety:				
Advances made by em- ployers. ( <i>See</i> Employ- ers' advances, etc.)	2205, 2206	244	351		New York.....	1561	166	.....	186
Aeronauts, examination, etc., of, digest of law re- lating to.....	2251	186	404		Anarchists, employment of, forbidden:				
Age not ground for dis- charge:	.....	244	357		New Mexico.....	.....	277	.....	225
Colorado.....	334	.....	.....						

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Antitrust act:				Armed guards, hiring—			
New Hampshire.....		244	226	Concluded.....			
Texas.....	2094, 2095			Massachusetts.....	969, 970		
United States.....	2402-2404			Missouri.....	1164		
Antitrust act, exclusions				Oklahoma.....	1720		
from:				Tennessee.....	2056, 2057		
California.....	290			Washington.....	2184		
Iowa.....	277	119		Wisconsin.....	2308		
Louisiana.....	840			(See also Industrial			
Massachusetts.....		166	142	police.)			
Michigan.....	1051	244	196	Assignment of wages:			
Montana.....	1237			Alabama.....	165		
New Hampshire.....	1238, 1244	244	226	Arizona.....	277	51, 52	
Virginia.....		277	320	Arkansas.....	285		
Wisconsin.....	2284	277	347, 348	California.....	350, 351	244	99, 100
United States.....		166	235, 236	Colorado.....		277	83
		186	439	Connecticut.....	411	277	88
Appliance, safety, in fac-				Delaware.....	434		
tories. (See Guards for				Georgia.....	485	292	23, 24
dangerous machinery.)				Illinois.....	621, 622	244	155
Appliances, safety, on				Indiana.....	639		
railroads. (See Rail-				640, 663			
roads, safety provisions,				676, 677			
etc., on.)				Iowa.....	738		
Apprentice laws, digest of	9-27			Kentucky.....	834, 835	257	41
Arbitration and media-				Louisiana.....	851, 862	213	51, 52
tion:				Maine.....	874, 875	244	182
Alabama.....	163-165			Maryland.....	894, 895	257	51
Alaska.....	190-192			Massachusetts.....	984, 986	213	71, 74
Arkansas.....	259			987, 1010			
California.....	277, 278			Michigan.....		186	191-193
Colorado.....	333	186	113-118	Minnesota.....	1112, 1121	244	205
Connecticut.....	408, 409			1133, 1134			
Georgia.....	493	244	131, 133	Mississippi.....		166	145
Idaho.....	507			Missouri.....	1202		
Illinois.....	513-517			Montana.....	1246, 1247		
Indiana.....	535-538	244	142, 143	Nebraska.....	1287-1290	186	217
Iowa.....	634-638	186	154-157	219-222			224
Kansas.....	761-763			Nevada.....		244	
Louisiana.....	765, 766			New Hampshire.....	1356		
Maine.....	837-839			New Jersey.....	1374-1376	166	153-155
Maryland.....	879-881			1398, 1399			
Massachusetts.....	893, 894	213	63, 64	New York.....	1479, 1552	166	174
903-905				187-190			301-304
963-966		166	136	Ohio.....	1672, 1673	186	
292		186	48	Pennsylvania.....	1825		
Michigan.....			193-196	1864, 1926			
Minnesota.....	1099, 1100			1985, 1986			
Missouri.....	1173-1175			Rhode Island.....	2034	244	322
Montana.....	1223-1225			Tennessee.....		186	386-388
Nebraska.....	1308-1310	277	181	Texas.....		244	335
Nevada.....	1322-1324			Utah.....			
New Hampshire.....	1367-1368	244	225	Vermont.....	2135-2137		
New Jersey.....	1373			Virginia.....		257	110
New York.....	1529, 1530	292	64	Washington.....	2190		
Ohio.....	1605-1609			West Virginia.....		277	344
1658-1661				Wisconsin.....	2292	186	424
Oklahoma.....	1703, 1704			Wyoming.....	2332		
1709, 1710				(See also Payment of			
Oregon.....		277	267-269	wages; Wage brok-			
Pennsylvania.....	1925, 1926			ers.)			
Philippine Islands.....	1946	166	198	Assignments of claims to			
Porto Rico.....		244	302	avoid exemption laws.			
South Carolina.....		277	281-284	(See Exemption of			
South Dakota.....		213	137, 138	wages.)			
Texas.....	2071-2073	292	83, 84	Associations, cooperative,			
Utah.....	2105-2108	244	340, 341	list of laws relating to...			
Vermont.....	2147-2150	186	395	Associations of employees.	87-92		
Washington.....	2196, 2197			(See Benefit societies.)			
Wisconsin.....	2297	277	349-351	Attachment of wages:			
Wyoming.....	2328			Connecticut.....	397		
United States.....	2440-2445	292	91-95	Pennsylvania.....	1824		
(See also Court of In-				Attorneys' fees in suits			
dustrial relations.)				for wages. (See Suits			
Armed guards, hiring:				for wages.)			
Alaska.....	188, 189			<b>B.</b>			
Arkansas.....	231, 232			Badges, employees:			
Colorado.....	364, 365			New York.....	257		78
Illinois.....	551			Badges, etc., of labor or-			
				ganizations. (See La-			
				bor organizations, etc.)			



	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Bakeries, hours of labor in. ( <i>See</i> Hours of labor.)				Boilers, creating an unsafe amount of steam in. ( <i>See</i> Negligence of operators, etc.)			
Bakeries, inspection, etc., of. ( <i>See</i> Inspection, etc.)				Boilers, entering under pressure:			
Bankruptcy:				Oklahoma.....	1723		
United States.....	2406, 2407			Boilers, steam, inspection of. ( <i>See</i> Inspection, etc.)			
Barber shops, inspection of. ( <i>See</i> Inspection, etc., of barber shops.)				Bonds, contractors', list of laws relating to.....	76-79		
Barbers, examination, etc., of, digest of laws relating to.....	127-132	166	8	Bonds of employees:			
		186	9, 10	Arizona.....	213, 214		
		244	9, 145	Arkansas.....	251, 252	244	74
Barrooms, payment of wages in. ( <i>See</i> Payment of wages in barrooms.)				California.....			
Basements. ( <i>See</i> Cellars, etc.)				Florida.....	476, 477		
Benefit societies:				Georgia.....	494		
Michigan.....	1060			Idaho.....	533		
Ohio.....	1603			Louisiana.....	865, 866	257	45
Philippine Islands.....	1941, 1942			Massachusetts.....	968		
( <i>See also</i> Relief departments.)				Mississippi.....		166	146, 147
Benefit societies, forced contributions for. ( <i>See</i> Forced contributions.)				Missouri.....	1205, 1206		
Blacklisting:				New Mexico.....	1435		
Alabama.....	154, 155			North Carolina.....	1577, 1578		
Arizona.....	196	186	73, 74	Oklahoma.....	1704, 1705		
	228, 229			Virginia.....		166	209, 210
Arkansas.....	243			West Virginia.....		186	417, 418
California.....	275			Bonuses. ( <i>See</i> Efficiency tests and bonuses.)			
Colorado.....	324			Boycotting:			
Connecticut.....	417			Alabama.....	154, 155		
Florida.....	422, 423			Colorado.....	324		
Illinois.....	466			Illinois.....	539		
Indiana.....	539			Indiana.....	632, 633		
Iowa.....	641, 642			Kansas.....		292	34
Kansas.....	743			Texas.....	2095, 2099		
Minnesota.....	773			United States.....		166	235, 236
	1097			( <i>See also</i> Interference with employment, and cross references.)			
Mississippi.....	1107, 1108			Brakemen, sufficient number of. ( <i>See</i> Railroad trains, sufficient crews required on.)			
Missouri.....	1149, 1150			Brakes on railroad trains. ( <i>See</i> Railroads, safety provisions, etc.)			
Montana.....	1165			Bribery, etc., of employees:			
Nevada.....	1230, 1239			California.....		186	87, 88
New Mexico.....	1341	186	230, 231	Connecticut.....	411, 412	244	110
North Carolina.....	1441, 1442			Indiana.....	668, 669		
North Dakota.....	1575			Iowa.....	743, 744		
Oklahoma.....	1583, 1591			Louisiana.....		292	41, 42
Oregon.....	1721			Maine.....	876		
Texas.....	1750			Maryland.....		257	51
Utah.....	2073-2075			Massachusetts.....	968, 969		
Virginia.....	2092, 2093			Michigan.....	1054, 1055		
Washington.....	2105, 2109			Montana.....		244	211
Wisconsin.....	2158			Nebraska.....	1318, 1319		
( <i>See also</i> Discharge, statement of cause of; Interference with employment, and cross references.)	2190, 2191			Nevada.....	1342, 1343		
Blasting in mines. ( <i>See</i> Mine regulations.)	2308			New Jersey.....	1377		
Boarding houses. ( <i>See</i> Lodging houses.)				New York.....	1543		
Boarding or commissary cars, taxation of:				North Carolina.....	1581, 1582		
Mississippi.....		213	81	Rhode Island.....	1987, 1988		
Boards of arbitration, etc. ( <i>See</i> Arbitration and mediation.)				South Carolina.....	2000, 2001		
Boatmen. ( <i>See</i> Seamen.)				Virginia.....	2162		
				Washington.....	2184		
				Wisconsin.....	2308, 2309		
				Bribery of representatives of labor organizations:			
				Nevada.....	1343		
				New Jersey.....	1406		
				New York.....	1542, 1543		
				Bricklayers' certificates:			
				Wisconsin.....		244	368

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Brickyards, hours of labor of employees in: New York.....	1476 1477, 1548	-----	-----	Bureau of Labor—Concl.			
Bridges over railroad tracks. ( <i>See</i> Railroad tracks, etc.)				Ohio.....	1605, 1663	277	249
Buildings, protection of employees on. ( <i>See</i> Protection of employees, etc.)				Oklahoma.....	1703, 1708 1709, 1742	-----	-----
Bureau, Children's: United States.....	2431	-----	-----	Oregon.....	1750-1752	186	317
Bureau of labor:				Pennsylvania.....	1921-1926	186	319, 320 329, 331 332, 337 333
Alaska.....		277	48, 49			244	277, 278
Arkansas.....	257-259	244	69	Philippine Islands...	1945-1947	166	277, 280 198
California.....	284-286	186	90, 92			186	363
	306	244	78, 79	Porto Rico.....	1959-1961	244	301-303 305, 313
		277	64			277	289-291
Colorado.....	331-334	186	105-118	Rhode Island.....	1975	-----	-----
Connecticut.....	405	186	122	South Carolina.....	1991-1994	-----	-----
		244	109	South Dakota.....	2023-2025	-----	-----
Delaware.....		186	123, 124	Tennessee.....	2029-2031	277	301-305
Georgia.....	492-494	244	131	Texas.....	2077-2079	277	307, 308
		277	97		2096, 2097		
Hawaii.....	495	-----	-----	Utah.....	2121, 2122	186	393
	499-501				2129, 2130		
	504-506			Vermont.....		244	347, 348
Idaho.....	507	277	103	Virginia.....	2151	166	211, 212
	512, 513				2155, 2156		
Illinois.....	565, 566	244	139-143	Washington.....	2187-2189	277	321-330
			146	West Virginia.....	2233, 2234	186	416, 417
Indiana.....	650, 651	186	151, 152	Wyoming.....		244	371-373
		244	159			277	353
Iowa.....	724-726	186	160	United States.....	2353, 2354	257	119, 120
Kansas.....	796-798	244	163		2411-2413		
	803, 804		166, 167		2434		
		277	121		2438-2440		
Kentucky.....	809-812	213	49	( <i>See also</i> Commission, industrial, etc.)			
Louisiana.....	849	166	90, 91	Bureau of mines:			
	852, 853	257	48	Arizona.....		186	73
		292	42	Colorado.....	335-341	277	82, 83
Maine.....	878, 879	186	180, 181	Illinois.....		244	139, 140 143-145
	884-887	277	125				
Maryland.....	903-905	213	62-65	Kentucky.....		166	53-56
Massachusetts.....	961, 962	166	132			257	39-41
	1015-1017	213	76	Louisiana.....	863	-----	-----
		277	131-136	Missouri.....	1191	-----	-----
Michigan.....	1061-1063	186	190	Pennsylvania.....	1831-1834	186	335
	1073	244	196		1933		
		277	137	Tennessee.....	2029-2031	-----	-----
Minnesota.....	1126	244	201	Virginia.....	2160	-----	-----
Missouri.....	1134, 1138	277	149, 154	West Virginia.....	2243-2245	186	399-401
Montana.....	1170, 1171	-----	-----	United States.....	2426, 2427	-----	-----
	1217	-----	-----	( <i>See also</i> Mine regula- tions.)			
Nebraska.....	1271, 1272	-----	-----	Bureau of public print- ing. ( <i>See</i> Public print- ing office.)			
Nevada.....	1290, 1291	277	181-196				
		186	231-233				
		244	224				
		277	202				
New Hampshire.....	1358, 1359	244	225-229				
	1366-1368						
New Jersey.....	1385, 1386	166	158				
	1392, 1393	186	241, 242				
	1417, 1418		246, 247				
		213	83-85				
		244	233, 234				
		257	74, 75				
		277	219-221				
		292	55, 56				
New York.....	1482-1490	166	174-176				
	1532	186	260-266				
		257	78, 79, 81				
		277	227, 228				
			233				
			59				
North Carolina.....	1567, 1568	186	296				
North Dakota.....	1583, 1584	277	239-241				

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Cellars and basements, use of:				Children and women, em- ployment of—Concl'd.			
California.....	278	---	---	(See also Earnings of			
Illinois.....	561	186	145	married women;			
Michigan.....	1071	---	---	Earnings of minors;			
Minnesota.....	1119	---	---	Minimum wages;			
New Jersey.....	1418	---	---	Women, wages of.)			
New York.....	1523, 1524	---	---	Children, corporal pun- ishment of, by employ- ers, etc.:			
Ohio.....	1649	---	---	Georgia.....	484	---	---
Oklahoma.....	1741	---	---	Porto Rico.....	1955	---	---
Pennsylvania.....	---	186	359, 360				
Wisconsin.....	2262, 2266	---	---	Children, earnings of (See Earnings of minors.)			
Certificates, employers'. (See Employers' certi- ficates.)				Children, employed, cer- tificates, registers, etc., of:			
Charges, false, against railroad employees. (See Railroad employ- ees, etc.)				Alabama.....	161	186	60-62
Chauffeurs, examination, etc., of, digest of laws relating to.....	132, 135	166	7, 8	Arizona.....	199-202	277	42-44
		186	10	Arkansas.....	248	186	82, 83
		244	9, 10	California.....	279-283	186	94-99
		257	9		---	277	64-68, 71
Checks, payment of wages in. (See Pay- ment of wages in scrip.)				Colorado.....	353-358	---	---
Child labor commission:				Connecticut.....	419	244	---
Delaware.....	438, 439	186	123		420, 425	277	86-89
Child labor, national committee on, incor- poration of:				Delaware.....	442-449	186	125
United States.....	2416, 2417	---	---		---	244	119-124
Child welfare depart- ment:					---	277	91, 92
Alabama.....	---	277	39, 40	District of Columbia	453-455	---	---
		292	19	Florida.....	472, 473	---	---
Hawaii.....	---	277	99, 100	Georgia.....	484, 485	166	31, 32
North Carolina.....	---	277	235, 236		---	213	41
South Dakota.....	---	277	297	Idaho.....	531	---	---
Childbearing women, employment of. (See Women, childbearing.)				Illinois.....	542-549	244	148-152
Children and women, commission on employ- ment of:				Indiana.....	645	---	---
Louisiana.....	---	257	45		707, 708	---	---
Children and women, commission on employ- ment of, digest of laws as to.....	149	---	---	Iowa.....	727	186	161, 162
Children and women, employment of, in base- ments:				Kansas.....	791	244	164-166
New York.....	1535, 1536	---	---	Kentucky.....	827	166	33-35
Children and women, em- ployment of, in mines:					828, 832	292	40
Alabama.....	183	277	41	Louisiana.....	857-860	213	51
Arkansas.....	236	---	---	Maine.....	870-872	186	178-180
Colorado.....	381	---	---		---	244	177, 178
Illinois.....	615	---	---	Maryland.....	901, 902	166	123, 124
Indiana.....	663	---	---		907-910	213	56-61
Maryland.....	932, 933	---	---		---	292	64, 69
Missouri.....	1189	---	---	Massachusetts.....	953	166	126, 133
New York.....	1526	---	---		973-979	186	184
Oklahoma.....	1704	---	---		---	213	71-73
Pennsylvania.....	1791, 1805	---	---		---	277	75, 76
	1899, 1900	---	---	Michigan.....	1063-1066	186	129-131
Utah.....	2105, 2108	---	---		---	277	196-198
Vermont.....	---	244	349	Minnesota.....	1115	---	142, 143
Virginia.....	2173	---	---		1116, 1118	---	---
Washington.....	2203	244	352	Mississippi.....	1150, 1151	166	148, 149
West Virginia.....	2252	186	406, 407	Missouri.....	1156-1158	277	161
Wyoming.....	2327, 2330	---	---		---	---	168-170
(See also Children, etc.; Women, etc.)				Montana.....	1218	277	172, 173
Children and women, wages of:					1219, 1229	---	---
Massachusetts.....	986	---	---		1275, 1276	---	---
				Nebraska.....	1293-1297	277	181
					---	---	184-188
				Nevada.....	---	277	204, 205
				New Hampshire.....	1355	186	235
					1363-1365	277	213, 214
				New Jersey.....	1387	166	162-166
					1388, 1407	---	168-170
					1428, 1429	213	85, 86
					---	257	74
				New York.....	1457, 1458	213	93-96
					1490-1494	244	248, 249
					1533-1535	257	87
				North Carolina.....	1578, 1579	186	295
					---	277	235-237
				North Dakota.....	1596-1598	---	---

	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Children, employed, cer- tificates, registers, etc., of—Concluded.					Children, employment of, age limit for—Conclcd.				
Ohio.....	1667, 1668	166	191-193		Illinois.....	542, 546	244	148	
	1674-1677		195		Indiana.....	645			
	1695-1698	277	256		Iowa.....	692, 693			
Oklahoma.....	1713-1715	244	269, 270		Kansas.....	727	186	160	
		277	259		Kentucky.....	790, 791	244	164	
Oregon.....	1753, 1754	277	272		Louisiana.....	827	166	33	
Pennsylvania.....	1791	186	322		Maine.....	857	166	88	
	1805, 1846		322-326		Maryland.....	870, 877	186	178	
	1859-1862						277	123	
Porto Rico.....	1962	277	286				213	55, 56	
Rhode Island.....	1968-1970	186	368-370				257	51	
		213	133-136		Massachusetts.....	973	166	133	
South Carolina.....	1994, 2002	244	317				292	47	
		277	296		Michigan.....	1063	186	196, 198	
South Dakota.....	2026						277	137	
Tennessee.....	2060	244	323		Minnesota.....	1115-1118			
Texas.....		244	328		Mississippi.....	1150	166	148	
Utah.....	2131, 2132	277	316, 317		Missouri.....	1155	277	161, 162	
Vermont.....	2141, 2142	244	349, 350		Montana.....	1228			
Virginia.....	2163	166	213		Nebraska.....	1293	277	184	
		257	105, 106		Nevada.....	1344			
		292	89				1345, 1348		
Washington.....	2185, 2191	277	330-332		New Hampshire.....	1363			
West Virginia.....	2231, 2232	277	340		New Jersey.....	1386	166	155	
Wisconsin.....	2269	244	364-366				1406, 1407	166-168	
	2272-2276	277	349					170	
	2278-2280				New York.....	1457			
United States.....		277	357			1490, 1533			
Children, employed, schools for:					North Carolina.....	1572, 1578	186	295	
Alabama.....	163						277	235	
Arizona.....		277	52, 53		North Dakota.....	1583, 1596			
California.....		277	64-72		Ohio.....	1674			
			74-78			1696-1700	277	256, 257	
Connecticut.....		277	86-89		Oklahoma.....	1704, 1712			
Iowa.....		277	119		Oregon.....	1752	277	266	
Maine.....		277	125				1761, 1769		
Massachusetts.....	1018, 1019	277	129-131		Pennsylvania.....	1791, 1845	186	321	
Michigan.....		277	142, 143			1858, 1860			
Missouri.....		277	168-170		Porto Rico.....	1962-1964	244	313	
Montana.....		277	173				277	284-287	
Nebraska.....		277	198, 199		Rhode Island.....	1967	213	133	
Nevada.....		277	204, 205			1968, 1980			
New Hampshire.....		277	213, 214		South Carolina.....	2001, 2007	213	137	
New Jersey.....		277	215, 221				277	295, 296	
New York.....		277	229-232		South Dakota.....	2019, 2026			
Oklahoma.....		277	262, 263		Tennessee.....	2060	186	383	
Oregon.....		277	271-273				244	323	
Pennsylvania.....		186	321				277	306	
Utah.....		277	316, 317		Texas.....	2097, 2098	244	327	
Washington.....		277	330-332		Utah.....	2131, 2132	186	393	
West Virginia.....		277	337		Vermont.....	2135	244	348	
Wisconsin.....	2275	186	423		Virginia.....	2158, 2163	166	212	
		244	366, 367				257	105	
Children employed, seats for. (See Seats for em- ployed children.)							292	87, 89	
Children, employment of, age limit for:					Washington.....	2191	244	354	
Alabama.....	160	186	59		West Virginia.....	2231	277	337, 338	
		277	40		Wisconsin.....	2270-2272			
Arizona.....	195	277	52			2278			
	197-202				United States.....		213	151	
Arkansas.....	247, 248	186	81				277	357	
California.....	279, 281	186	94, 96		(See also Children and women, employ- ment of, in mines; Children employed, certificates, regis- ters, etc., of; Chil- dren of widows, de- pendent parents, etc.)				
		277	68-72, 74		Children, employment of, as messengers. (See Children, employment of, in street trades.)				
Colorado.....	325, 352				Children, employment of, fraud in:				
Connecticut.....	401				North Carolina.....	1565			
Delaware.....	419-421	244	118, 124						
	441, 445								
District of Columbia..	452								
Florida.....	472								
Georgia.....	484	166	31, 32						
Idaho.....	530								

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Children, employment of, general provisions for:				Children, employment of, general provisions for— Concluded.			
Alabama.....	160-163	186	59-64	New Jersey.....	1386-1388	166	162-171
Arizona.....	197-202	277	39-46		1406-1409	186	242
	229	277	52, 53		1427-1429	257	69
Arkansas.....	247, 248	186	81-83		277	215	
	252, 253	244	70, 71	New York.....	1455-1458	186	258
California.....	279, 283	186	94-100		213	93-96	
	289, 290	244	75, 76, 80		244	248-251	
	292	277	68-72		257	81	
			74-78		277	232, 233	
Colorado.....	324, 325	-----	-----		292	59	
	352-358	-----	-----	North Carolina.....	1565, 1566	186	295
Connecticut.....	399, 400	244	107-110		1572, 1581	244	255
	419-421	-----	-----		277	235-237	
Delaware.....	440-449	186	125	North Dakota.....	1596-1599	244	258, 259
		244	118-124	Ohio.....	1667, 1668	166	191-193
		292	21		1674-1677	-----	195
District of Columbia.	452-455	-----	-----		1695-1701	277	256, 257
	458, 459	-----	-----	Oklahoma.....	1712-1716	244	269, 270
Florida.....	470	186	129	Oregon.....	1752-1755	213	117
	472-476	-----	-----				118, 121
Georgia.....	484, 485	166	31, 32				126, 127
		213	41	Pennsylvania.....	1845, 1846	186	320-326
Hawaii.....	496, 497	-----	-----		1857-1862	-----	-----
Idaho.....	530-532	-----	-----		1864, 1865	-----	-----
Illinois.....	542-547	244	148-154	Porto Rico.....	1962-1964	244	313
	580	-----	-----		277	284-287	
Indiana.....	644-646	-----	-----	Rhode Island.....	1967-1971	186	367-370
	692, 693	-----	-----		213	133-136	
	707, 708	-----	-----	South Carolina.....	2001, 2002	186	372, 373
Iowa.....	727, 728	186	160-162		244	317	
	737, 738	-----	-----		277	295, 296	
Kansas.....	790, 791	186	171-175	South Dakota.....	2025, 2026	277	297
	795, 796	244	164-166	Tennessee.....	2060-2063	186	382, 383
			174		244	323	
Kentucky.....	809	166	33-38	Texas.....	2097, 2098	186	388, 389
	827, 832	213	47		2100, 2101	244	327, 328
		257	42, 43	Utah.....	2131, 2132	244	338
		292	40		277	313	
Louisiana.....	857, 860	166	87, 88	Vermont.....	2135	186	395
		213	51, 53		2141, 2142	244	348-350
Maine.....	867	186	178-180	Virginia.....	-----	166	212-214
	869-872	244	177, 178		257	105-107	
		277	123, 124		292	80	
Maryland.....	900-903	166	123, 124	Washington.....	2185	186	397, 398
	906-915	213	55-61	West Virginia.....	2231, 2232	277	337-341
		257	65, 69	Wisconsin.....	2255, 2256	186	422-424
		292	51		244	364, 367	
Massachusetts.....	941, 942	166	133	Wyoming.....	-----	186	437, 438
	971, 979	186	184	United States.....	-----	213	151-153
	1018, 1019	213	71-73		277	357, 358	
	1030, 1031	244	187	(See also Children and women, etc.)			
	1035-1039	257	55	Children, employment of, in dangerous occupa- tions:			
		277	133	Alabama.....	-----	186	60
Michigan.....	1054	186	196-198		277	41	
	1063-1066	244	196, 199	Arizona.....	195, 198	-----	-----
		277	137, 138		200, 201	-----	-----
Minnesota.....	1105	-----	-----	Arkansas.....	-----	186	81, 82
	1115-1118	-----	-----	California.....	-----	186	95, 96
	1121, 1122	-----	-----		277	69, 70	
Mississippi.....	1144	166	148, 149	Colorado.....	352, 353	-----	-----
	1150, 1151	257	61	Connecticut.....	420, 421	186	120
Missouri.....	1155-1158	277	161, 162	Delaware.....	441	244	118, 119
	1200, 1201	-----	-----		442, 445	-----	-----
Montana.....	1218, 1219	-----	-----	Florida.....	474, 475	-----	-----
	1222, 1223	-----	-----	Illinois.....	546	244	152, 153
	1228, 1229	-----	-----	Indiana.....	647	-----	-----
	1275, 1276	-----	-----		692, 693	-----	-----
Nebraska.....	1293-1298	277	184-188	Iowa.....	727, 740	186	161
	1316, 1317	-----	-----	Kansas.....	791	244	164
Nevada.....	1326, 1327	-----	-----	Kentucky.....	809	166	35, 36
	1348-1350	-----	-----		829, 830	-----	-----
New Hampshire.....	1363-1365	186	235				
		244	237, 238				
			229, 230				



	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Children, employment of, in dangerous occupa- tions—Concluded.				Children, employment of, in mendicant, acro- batic, immoral, etc., oc- cupations—Concluded.			
Louisiana.....	859, 861	.....	.....	Texas.....	2097, 2098	244	327, 328
Maryland.....	906	.....	.....	Utah.....	2131	244	338
Massachusetts.....	978	292	47	Virginia.....	2159, 2160	.....	.....
Michigan.....	1035, 1036	.....	.....	Washington.....	2181	244	354
Minnesota.....	1117	.....	.....	West Virginia.....	2237, 2238	277	338
Missouri.....	1129, 1130	.....	.....	Wisconsin.....	2271	.....	.....
Montana.....	1158, 1179	277	162	Wyoming.....	2272, 2309	186	437
Nebraska.....	1228	.....	.....	(See also Children, employment of, in dangerous occupa- tions.)	2330	.....	.....
Nevada.....	1298	277	188	Children, employment of, in mines:			
New Jersey.....	1348, 1349	166	168	Alabama.....	.....	277	41
	1390	.....	169, 171	Alaska.....	.....	186	70
		186	242	Arizona.....	198, 226	.....	.....
New York.....	1512, 1513	213	93	California.....	.....	186	95
North Dakota.....	1598	.....	.....	Colorado.....	323, 353	.....	69, 70
Ohio.....	1698-1700	.....	.....	Delaware.....	441	.....	.....
Oklahoma.....	1713	.....	.....	Idaho.....	507	.....	.....
Pennsylvania.....	1787, 1802	186	321, 322	Illinois.....	.....	244	153
	1845, 1858	244	298	Indiana.....	630	.....	.....
Porto Rico.....	.....	244	313	Iowa.....	727	186	160-162
		277	286	Kansas.....	781, 790	244	164
Rhode Island.....	1971	.....	.....	Kentucky.....	827	166	35, 36
South Carolina.....	1994, 2002	.....	.....	Louisiana.....	857	.....	.....
South Dakota.....	2026	.....	.....	Maryland.....	907	.....	.....
Tennessee.....	2060	244	328	Michigan.....	1063	.....	.....
Texas.....	2097, 2098	184	393	Minnesota.....	1115	.....	.....
Utah.....	2131	244	338	Missouri.....	.....	277	162
		244	338	Montana.....	1217, 1229	.....	.....
Vermont.....	2141	.....	.....	Nevada.....	1344	.....	.....
Washington.....	2191	244	354	New Jersey.....	1384	166	166
West Virginia.....	2238	277	338	New Mexico.....	1433	.....	.....
Wisconsin.....	2269-2271	.....	.....	North Carolina.....	1568	277	235
Wyoming.....	.....	186	437	North Dakota.....	1583, 1596	.....	.....
Children, employment of, in mendicant, acro- batic, immoral, etc., oc- cupations:				Ohio.....	1629	.....	.....
Alabama.....	.....	277	41, 42	Oklahoma.....	1698, 1700	.....	.....
Arizona.....	198, 200	.....	69, 70	Pennsylvania.....	1704, 1715	.....	.....
California.....	271, 272	277	.....	South Dakota.....	1860-1862	.....	.....
Colorado.....	352, 353	.....	119	Tennessee.....	2010, 2026	.....	.....
Connecticut.....	398	186	119	Texas.....	2098	244	327, 328
Delaware.....	431	244	.....	Utah.....	.....	244	338
District of Columbia.....	451	.....	.....	Vermont.....	.....	244	348, 349
Florida.....	469	.....	.....	Virginia.....	2163	166	212
Georgia.....	491, 492	.....	.....	West Virginia.....	.....	277	338
Idaho.....	531, 532	.....	.....	Wisconsin.....	2270	.....	.....
Illinois.....	540	244	153	United States.....	2410	277	357
Indiana.....	630	.....	.....	(See also Children and women, etc.).			
Iowa.....	692, 693	.....	.....	Children, employment of, in street trades:			
Kansas.....	727	.....	.....	Alabama.....	.....	186	59, 60, 62
Kentucky.....	791, 792	.....	.....		.....	277	63
Louisiana.....	812, 813	.....	.....	Arizona.....	201	.....	41, 44, 45
Maine.....	863-865	.....	.....	California.....	.....	186	90, 99, 100
Maryland.....	877	.....	.....		.....	277	69
Massachusetts.....	919, 920	.....	.....	Connecticut.....	.....	244	109
Michigan.....	978, 979	.....	.....	Delaware.....	446, 447	244	119
Minnesota.....	1046, 1065	.....	.....	District of Columbia.....	455	.....	.....
Missouri.....	1105, 1117	.....	.....	Florida.....	472, 474	.....	.....
Montana.....	1165, 1166	277	162	Georgia.....	492	.....	.....
Nebraska.....	1238	.....	.....	Iowa.....	.....	186	160, 161
Nevada.....	1298	277	188	Kentucky.....	.....	166	36, 37
New Hampshire.....	1344	.....	.....	Louisiana.....	859	.....	.....
New Jersey.....	1356, 1357	.....	.....	Maryland.....	897	166	93
New York.....	1383, 1384	186	242		911-914	213	59, 60
North Dakota.....	1543, 1544	213	93, 94	Massachusetts.....	942	213	75, 76
Ohio.....	1598	.....	.....		943, 1039	257	57
Oklahoma.....	1695	.....	.....	Minnesota.....	1036-1039	.....	.....
Pennsylvania.....	1712, 1713	.....	.....		1118	.....	.....
	1790, 1791	.....	.....				
	1857, 1858	.....	.....				
Porto Rico.....	1955	244	313				
	1957, 1963	277	286				
Rhode Island.....	1982, 1983	.....	.....				

	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Children, employment of, in street trades—Con.					Children, hours of labor of—Concluded.				
Missouri.....	1158	277	162		New Jersey.....	1388, 1407	166	169, 170	
New Hampshire.....	1363	.....	.....		New York.....	1494	166	215, 216	
New Jersey.....	1416	.....	.....		North Carolina.....	1495, 1533	277	181, 182	
New York.....	1538-1540	166	173, 174		North Dakota.....	1572	186	232, 233	
	1544	257	80, 81		Ohio.....	1593, 1598	277	295	
North Carolina.....	.....	277	235		Oklahoma.....	1697	277	235	
Ohio.....	1697	.....	.....		Oregon.....	1713	.....	244	
Oklahoma.....	1713	.....	.....			1752	186	256	
Oregon.....	1755	.....	.....				213	.....	
Pennsylvania.....	.....	186	322				277	126, 127	
Porto Rico.....	.....	277	286		Pennsylvania.....	1827	186	272	
Rhode Island.....	1975	186	368-370			1858-1861	.....	321	
South Carolina.....	2007, 2008	.....	.....		Porto Rico.....	1955, 1962	277	285	
Tennessee.....	.....	244	323		Rhode Island.....	1984, 1985	186	367	
Texas.....	.....	244	327		South Carolina.....	2001	.....	.....	
Utah.....	2131, 2132	.....	.....		South Dakota.....	2025, 2026	.....	.....	
Virginia.....	.....	166	213		Tennessee.....	2057, 2058	186	379	
	.....	257	106, 107			2062, 2063	.....	380, 383	
Washington.....	.....	244	354				244	327	
Wisconsin.....	2270	257	111, 112		Texas.....	.....	244	327	
	2278-2280	277	348, 349		Utah.....	2132	244	338	
Wyoming.....	.....	186	437		Vermont.....	2135, 2145	244	316, 317	
Children, hiring out, to support parents in idleness:					Virginia.....	2157, 2158	166	348, 349	
Alabama.....	160	.....	.....				257	210, 213	
Georgia.....	491	.....	.....				292	105	
Louisiana.....	850	.....	.....		Washington.....	.....	186	89	
Mississippi.....	1149	.....	.....				244	397, 398	
North Carolina.....	1566	.....	.....				277	351, 353	
Tennessee.....	2057	.....	.....				277	331, 332	
Texas.....	2092	.....	.....		West Virginia.....	.....	244	340	
Virginia.....	2152, 2153	.....	.....		Wisconsin.....	2266, 2275	277	365	
Children, hours of labor of:					Wyoming.....	.....	186	437	
Alabama.....	160	186	59		United States.....	.....	213	151	
	.....	277	40, 41				277	357, 358	
Arizona.....	195, 201	277	52		(See also Hours of labor in general em- ployments.)				
Arkansas.....	248	186	82		Children, illiterate, em- ployment of:				
California.....	279	186	96		Alabama.....	.....	277	42, 43	
	.....	213	30		Arkansas.....	248	.....	.....	
	.....	277	68-72		California.....	.....	277	74-78	
Colorado.....	356	.....	.....		Colorado.....	325	.....	.....	
Connecticut.....	417, 418	244	109		Connecticut.....	399, 400	.....	.....	
	.....	277	86		Delaware.....	444	.....	.....	
Delaware.....	445	244	122		District of Columbia.....	453	.....	.....	
District of Columbia.....	454	.....	.....		Georgia.....	484	.....	.....	
Florida.....	473, 474	.....	.....		Idaho.....	531	.....	.....	
Georgia.....	483, 484	.....	.....		Illinois.....	545	.....	.....	
Idaho.....	531	.....	.....		Indiana.....	645	.....	.....	
Illinois.....	542, 545	244	148, 152		Kansas.....	781	.....	.....	
Indiana.....	644, 645	.....	.....		Maryland.....	902, 909	.....	.....	
	664, 692	.....	.....			932, 933	.....	.....	
Iowa.....	727	186	161		Massachusetts.....	974, 975	.....	.....	
	.....	277	119			1018, 1019	.....	.....	
Kansas.....	791	186	171-175		Michigan.....	1065	.....	.....	
Kentucky.....	829	166	35		Minnesota.....	1116	.....	.....	
Louisiana.....	859	213	53		Missouri.....	1156	.....	.....	
Maine.....	869	186	181, 182			1218	.....	.....	
	.....	277	123, 124		Montana.....	1219, 1276	.....	.....	
Maryland.....	905	213	61, 65			1294	.....	.....	
	906, 916	.....	.....		Nebraska.....	1363	277	213, 214	
Massachusetts.....	971, 972	186	183		New Hampshire.....	1492	257	79, 80	
	1000, 1036	213	75		North Dakota.....	1597	.....	.....	
	.....	257	55		Ohio.....	1695	.....	.....	
	.....	277	127		Oklahoma.....	1713	.....	.....	
	.....	277	128, 130		Oregon.....	1753	.....	.....	
Michigan.....	1011, 1063	186	196		Pennsylvania.....	1860, 1862	.....	.....	
	.....	277	141, 143		Rhode Island.....	1968	.....	.....	
Minnesota.....	1116	.....	.....		Vermont.....	2135	.....	.....	
Mississippi.....	1150	166	148		Wisconsin.....	2273	257	111	
Missouri.....	1155	277	161		Children, medical, etc., certificates for. (See Children, employed, certificates, etc., for.)				
	.....	.....	162, 169						
Montana.....	.....	277	173						
Nebraska.....	1296	277	188						
Nevada.....	1349	277	204						
New Hampshire.....	1355, 1363	186	237, 238						
	1370, 1371	244	229, 230						

	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Children, night work by:					Children of widows, de- pendent parents, etc.— Concluded.				
Alabama.....	160, 161	186	59		Porto Rico.....	277	285		
Arizona.....	201	277	40, 41		South Carolina.....	277	295, 296		
Arkansas.....	248	186	82		South Dakota.....	2026			
California.....	279, 299	186	96		Texas.....	244	327, 328		
Colorado.....	352, 356	277	68-72		Virginia.....	2163			
Connecticut.....	418	244	109		Washington.....	2191			
Delaware.....	445	244	122		(See also Mothers' pensions.)				
District of Columbia..	452, 454				Children, school attend- ance by. (See Children, employment of, general provisions for.)				
Florida.....	474				Children, seats for. (See Seats for employed children.)				
Georgia.....	484, 492	166	31, 32		Children, vocational training for. (See Vo- cational training.)				
Hawaii.....	506				Children, wages of. (See Earnings of minors.)				
Idaho.....	530				Children. (See also Children and women.)				
Illinois.....	542, 545	244	148, 152		Children's Bureau:				
Indiana.....	645, 692				United States.....	2431			
Iowa.....	727	186	161		Chinese, employment of:				
Kansas.....	791	244	164		California.....	261			
Kentucky.....	829	166	35-37		Montana.....	1230			
Louisiana.....	859	213	53		Nevada.....	1327			
Maine.....		186	181		Oregon.....	1764			
Maryland.....	897	277	124		United States.....	2356, 2412			
Massachusetts.....	972, 1009	213	61		Chinese, exclusion, regis- tration, etc., of:				
Michigan.....	1036, 1037	244	188		Hawaii.....	495, 496			
Minnesota.....	1063	277	141		Philippine Islands.....	1939			
Mississippi.....	1116				United States.....	1942-1944			
Missouri.....	1150	166	148			2355-2360			
Nebraska.....	1155	277	161			2411, 2412			
Nevada.....	1296	277	188		Chinese labor, products of, not to be bought by State officials:				
New Hampshire.....	1349				California.....	263			
New Jersey.....	1363, 1370	186	237		Cigar factories, regulation of:				
New York.....	1388, 1407	244	230		Maryland.....		166	93, 94	
North Carolina.....	1416, 1419	166	169, 170		Wisconsin.....	2266			
North Dakota.....	1494, 1533	277	215, 216		Citizens to be employed. (See Aliens, employ- ment of; Public works, preference of resident laborers on.)				
Ohio.....		166	182		Civil service:				
Oklahoma.....		277	232		California.....	277	78		
Oregon.....	1572, 1578	186	295		Colorado.....	326			
Pennsylvania.....	1598				Louisiana.....	849			
Porto Rico.....	1697	277	256		Massachusetts.....	941	166	131	
Rhode Island.....	1713				Missouri.....	1215			
South Carolina.....	1752, 1755	213	118, 127		New Jersey.....	1376, 1402			
Tennessee.....	1859, 1861	186	321		New York.....	1417, 1418			
Utah.....		277	285, 286		Ohio.....	1453, 1454			
Vermont.....	1968, 1975	186	369		Pennsylvania.....	1604			
Virginia.....		213	133			1850, 1851			
Washington.....	2001, 2007					1856, 1857			
West Virginia.....	2060	244	323			2237			
Wisconsin.....	2131, 2132				Clearance cards. (See Service letters.)				
United States.....	2135	244	348		Coal mined within State, use of, in public build- ings. (See Public sup- plies.)				
	2158	166	212, 213		Coal mines. (See Mines.)				
		257	105		Coercion of employees in trading, etc.:				
		292	89		Alaska.....	187			
		244	353		California.....	244	75		
		277	340						
		2270	365						
	2275, 2279								
		213	151						
		277	357, 358						
Children of widows, de- pendent parents, etc.:									
Arkansas.....	248								
California.....	279								
Colorado.....	324								
Delaware.....	448	244	122						
District of Columbia..	453								
Florida.....		277	93						
Georgia.....	484	166	31, 32						
Michigan.....	1064	244	196						
Montana.....	1078, 1079								
Nebraska.....	1276	277	172						
New Jersey.....	1316, 1317								
North Carolina.....		166	165						
North Dakota.....	1581	277	236, 237						
Ohio.....	1596								
	1677								

	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Coercion of employees in trading, etc.—Concl'd.					Commission, industrial, etc.—Concluded.				
Colorado.....	346, 347				Utah.....		244	338-346	
Florida.....	468, 469						277	313	
Idaho.....	529				Washington.....		277	333	
Indiana.....	640, 641				Wisconsin.....	2255, 2268	186	425	
Iowa.....	735					2293-2302			
Kentucky.....	821				Commission, industrial, etc., orders of:				
Louisiana.....		213	53		California.....		213	29-40	
Maryland.....	920						244	92-95	
Massachusetts.....	967				Colorado.....		186	109, 110	
Michigan.....	1050				Kansas.....		244	173, 174	
Montana.....	1239				Massachusetts.....		213	78, 79	
Nevada.....	1342, 1343						244	191-193	
New Jersey.....	1398				Montana.....		186	213, 215	
New Mexico.....	1438				New Jersey.....		213	86-90	
Ohio.....	1693						244	240-243	
Oregon.....	1749, 1750				New York.....	1561, 1562	186	263-266	
Philippine Islands.....	1950							268-293	
Porto Rico.....	1954						213	98-106	
Texas.....	2093						244	254	
Utah.....	2125, 2129				Ohio.....		213	107-115	
Washington.....	2214, 2215				Oregon.....		213	117-127	
	2235				Pennsylvania.....		186	343-361	
West Virginia.....							244	286-299	
(See also Company stores.)					Washington.....		244	352-354	
Coercion. (See Intimidation; Protection of employees, etc.)					Wisconsin.....	2311-2325	186	425-433	
Collection of statistics. (See Bureau of labor.)							244	367, 368	
Color blindness of railroad employees. (See Examination, etc., of railroad employees.)					Commission, labor. (See Labor commission.)				
Combination, right of. (See Conspiracy, labor agreements not; Protection of employees as members of labor organizations.)					Commission on convict labor, digest of laws as to.....	145			
Combinations to fix wages, etc.:.....					Commission on cost of living, digest of laws as to.....	145			
Louisiana.....	850, 851				Commission on employers' liability and workmen's compensation, digest of laws as to.....	149, 150			
Commerce and Labor, Department of:					Commission on employment offices, digest of laws as to.....	145			
United States.....	2412, 2413				Commission on employment of women:				
Commission, employers' liability:					Illinois.....		244	154, 155	
New Jersey.....	1414, 1415				Commission on employment of women and children:				
Commission, industrial, etc.:.....					Louisiana.....		257	45	
California.....	304	244	76, 77		North Dakota.....		244	258	
	316-321		81-85		Commission on employment of women and children, digest of laws as to.....	149			
		277	64		Commission on factory inspection, digest of laws as to.....	145, 146			
Colorado.....		186	105-118		Commission on health insurance:				
		244	100-105		Connecticut.....		244	108	
Idaho.....		244	137		Illinois.....		244	147, 148	
Illinois.....		244	139-143		Massachusetts.....		244	191	
Indiana.....		186	151, 152		Ohio.....		244	262, 263	
Kansas.....		186	171-175		Pennsylvania.....		244	285, 286	
Massachusetts.....		166	135		Commission on homes for workingmen. (See Homes, etc.)				
		277	131-136		Commission on immigration, etc. (See Immigration, etc.)				
Michigan.....		277	139, 140		Commission on immigration, digest of laws as to.....	146			
Montana.....		186	210-215		Commission on industrial accidents, digest of law as to.....	146			
		244	213		Commission on industrial relations, digest of law as to.....	146, 147			
New York.....	1484-1486	186	260-266						
	1496, 1500	277	233						
	1506, 1516								
	1524								
North Dakota.....		277	239-241						
Ohio.....	1604-1615	186	301, 305						
		244	261						
		277	249						
Oregon.....	1775-1780								
Pennsylvania.....	1923, 1924	186	319, 320						
		244	277, 278						
Texas.....		277	308-312						

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Commission on labor on public works, digest of law as to.....	147	-----	-----	Compressed-air tanks: California.....	213	39	
Commission on mine regulations:				Massachusetts.....	1022	166	135
Illinois.....	244	156, 157		Compressed air, work in: New Jersey.....	166	155-158	
Maryland.....	166	94		New York.....	1526-1529		
Commission on mine regulations, etc., digest of laws as to.....	147	-----	-----	Pennsylvania.....	244	281-283	
Commission on minimum wages, digest of laws as to.....	147, 148	-----	-----	Compulsory work laws. (See Labor, requirement of.)			
Commission on minimum wages:				Conciliation. (See Arbitration.)			
Connecticut.....	244	108		Conspiracy against workmen:			
Commission on mothers' pensions, digest of laws as to.....	148	-----	-----	Alabama.....	154	-----	-----
Commission on occupational diseases, digest of laws as to.....	148	-----	-----	Florida.....	469, 470	-----	-----
Commission on old-age insurance and pensions:				Georgia.....	488, 489	-----	-----
New Jersey.....	244	240		Hawaii.....	498, 499	-----	-----
Ohio.....	244	262, 263		Kansas.....	767	-----	-----
Pennsylvania.....	244	285		Minnesota.....	1104	-----	-----
Commission on old-age pensions, digest of laws as to.....	148, 149	-----	-----	Mississippi.....	1144	-----	-----
Commission, public welfare:				Nevada.....	1338	-----	-----
Connecticut.....	244	108		New York.....	1545	-----	-----
North Dakota.....	244	258		North Dakota.....	1591	-----	-----
Commission on rates of insurance for workmen's compensation:				Texas.....	292	81	
Massachusetts.....	166	143		Washington.....	2180	-----	-----
Commission on social insurance:				(See also Interference with employment, and cross references.)			
Connecticut.....	244	108		Conspiracy, labor agreements not:			
Massachusetts.....	213	77		California.....	276	-----	-----
Wisconsin.....	244	363, 364, 367		Colorado.....	334	-----	-----
Commission on unemployment, resolution as to:				Iowa.....	277	119	
California.....	277	79		Maryland.....	916	-----	-----
Illinois.....	149	-----	-----	Massachusetts.....	166	142	
Commission on woman labor:				Minnesota.....	1104	205, 206	
Illinois.....	244	154, 155		Nevada.....	1344	-----	-----
Commissioner of labor. (See Bureau of labor.)				New Hampshire.....	244	226	
Company doctors. (See Physicians, employment of.)				New Jersey.....	1400	-----	-----
Company stores:				New York.....	1545	-----	-----
California.....	244	75		North Dakota.....	1591	-----	-----
Colorado.....	346, 347	-----	-----	Oklahoma.....	1720	-----	-----
Connecticut.....	408	-----	-----	Pennsylvania.....	1787, 1818	-----	-----
Indiana.....	641, 687	-----	-----	Porto Rico.....	1953	-----	-----
Louisiana.....	853	-----	-----	Texas.....	2079	-----	-----
Maryland.....	895, 896	-----	-----	Utah.....	244	337	
New Jersey.....	1397, 1398	-----	-----	West Virginia.....	2252	-----	-----
New York.....	1479	-----	-----	Conspiracy. (See also Interference; Intimidation.)			
Ohio.....	1693	-----	-----	Continuation schools. (See Children, employed, schools for.)			
Pennsylvania.....	1791	-----	-----	Contract labor, alien. (See Alien contract labor.)			
Virginia.....	1792, 1817	-----	-----	Contract work on public buildings and works:			
West Virginia.....	2159	-----	-----	California.....	263	186	102
(See also Coercion of employees in trading; Payment of wages in scrip.)	2235	-----	-----	Contractors' bonds for the protection of wages, summary of laws requiring.....	77-79	166	10
Complaints by railroad employees:						186	18, 19
Massachusetts.....	949	-----	-----			213	12, 13
						244	12, 13
						257	12
						292	8
				Contractors' debts, liability of stockholders for, lists of laws determining.....	79	-----	-----
				Contracts of employees waiving right to damages:			
				Alabama.....	153	-----	-----
				Arizona.....	213	-----	-----



	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Contracts of employees waiving rights to dam- ages—Concluded.					Cooperative retirement, etc., funds:				
Arkansas.....	241				Massachusetts.....	993			
California.....	266				Copyrights:				
Colorado.....	323				United States.....	2405, 2406			
Florida.....	477				Core rooms, employment of women in:				
Georgia.....	481, 483				Massachusetts.....	1011, 1012			
Indiana.....	643				New York.....	1513			
	644, 665				Ohio.....	213		214	
	666, 689				Corn huskers, guards on. (See Guards for danger- ous machinery.)				
Iowa.....	720				Corporal punishment of minoremployees. (See Children, corporal pun- ishment of, by employ- ers.)				
Maine.....	878				Corporations, liability of stockholders in, for wage debts, list of laws determining.....	79			
Massachusetts.....	990				Corporations, pensions for employees of:				
Michigan.....	1057				Pennsylvania.....	1783			
Mississippi.....	1143				Corporations, profit shar- ing by. (See Profit sharing.)				
Missouri.....	1168				Corporations, restriction of powers of:				
Montana.....	1217, 1232				Pennsylvania.....	1791, 1792			
	1242, 1246				Corporations, special stock for employees of:				
Nebraska.....	1312				Massachusetts.....	946	166	141	
Nevada.....	1337				Cost of living, commis- sion, etc., on.....	145			
New Mexico.....	1433				Cost of living, investiga- tion of:				
New York.....	1555				District of Columbia.....	244		127	
North Carolina.....	1577				New Hampshire.....	244		226	
North Dakota.....	1593				New Jersey.....	244		240	
Ohio.....	1667, 1685				Costs in suits for wages. (See Suits for wages.)				
Oklahoma.....	1704				Cotton bales, bands, ties, etc., of:				
Philippine Islands.....	1949				Texas.....	2075, 2076			
South Carolina.....	1991				Councils of defense, etc., industrial adjustments by:				
Texas.....	2087, 2088				Delaware.....	257		29	
Virginia.....	2152, 2154				Louisiana.....	244		175	
Wisconsin.....	2289, 2290				Maryland.....	244		183	
Wyoming.....	2327, 2328				New Mexico.....	244		246	
	2332, 2352				West Virginia.....	244		358, 359	
United States.....	2420				Councils of defense, etc., summary of provisions for.....	244		37, 38	
(See also Compensation; Liability of employers for inju- ries to employees.)						257		20, 21	
Contracts of employment, regulation, etc., of. (See Employment of labor.)					Couplers, safety. (See Railroads, safety provi- sions for.)				
Contracts of employ- ment, violation of, en- dangering life:					Court of industrial rela- tions:				
Nevada.....	1340				Kansas.....	292		29-37	
New York.....	1550				Crime, advocacy of. (See Sabotage.)				
Washington.....	2182								
Contracts of employment with intent to defraud. (See Employers' ad- vances, repayment of.)					<b>D.</b>				
Contributions, forced. (See Forced contribu- tions.)					Damages for injuries. (See Injuries; Liability of employers.)				
Convict labor, commis- sions, etc., on.....	145				Damages, waiver of right to. (See Contracts of employees waiving right to damages.)				
Convict labor, digest of laws relating to.....	99-127	166	28		Dangerous, injurious, etc., employments:				
		186	55-58		Arizona.....	198			
		213	26, 27		Colorado.....	203, 204			
		244	53-57			389	186	110	
		257	24-26						
		292	17						
Convict labor, employ- ment of, in mines:									
Oklahoma.....	1737								
Coolie labor:									
California.....	261								
Nevada.....	1345								
United States.....	2355, 2356								
Cooperative associations, list of laws relating to..	87-92	166	26						
		186	45						
		244	49, 50						
		257	23						
		292	16, 17						

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Dangerous, injurious, etc., employments—Concld.				Diseased persons, em- ployment of:			
Illinois.....	186	145, 146		Michigan.....	277	137	
Massachusetts.....	978			Pennsylvania.....	186	328, 329	
Missouri.....	1211-1214			(See also Inspection and regulation of bakeries, etc.)			
New York.....	1516	186	263	Diseases, occupational. (See Occupational dis- eases.)			
Ohio.....	1668, 1669			Docks, safety appliances at:			
Oklahoma.....	1698-1700			New Jersey.....	1423		
Pennsylvania.....	1712, 1713			Domestic products, prefer- ence of, for public use. (See Public supplies.)			
Washington.....	1934			Drinking water. (See Water for drinking, etc.)			
Wisconsin.....	2179			Drug clerks, hours of la- bor of. (See Hours of labor of drug clerks.)			
Days of rest for railroad employees:	2269-2271			Dust, fumes, etc., provi- sion for. (See Fac- tories and workrooms, ventilation of.)			
Maryland.....		166	93	E.			
Massachusetts.....		166	140, 141	Earnings of married wo- men, list of laws secur- ing the.....	79, 80		
(See also Weekly day of rest.)				Earnings of minors:			
Deaf, division for, in bu- reau of labor:				California.....	265		
Minnesota.....	1126			Idaho.....	521		
Death. (See Injuries causing death; Negli- gence, etc.)				Iowa.....	738		
Deceased employees, pay- ment of wages due. (See Payment of wages due deceased employ- ees.)				Kansas.....	790		
Deception in employ- ment of labor. (See Employment of labor, deception in.)				Minnesota.....	1096, 1104		
Department of Commerce and Labor:				Montana.....	1230		
United States.....	2412, 2413			New York.....	1454		
Department of labor. (See Bureau of labor.)				North Dakota.....	1586		
Department of Mines. (See Bureau of Mines.)				Oklahoma.....	1738		
Deserters, etc., employ- ment of:				Porto Rico.....	1955		
Arizona.....	257	27		South Carolina.....	1997		
Discharge, etc., of em- ployees of public serv- ice corporations:				South Dakota.....	2012		
Massachusetts.....	968			Utah.....	2120		
Discharge, notice of in- tention to. (See Em- ployment, termination of, notice of.)				Virginia.....	2157		
Discharge of employees on account of age:				Washington.....	2185		
Colorado.....	334			Eating in workrooms. (See Food, taking into certain workrooms.)			
Discharge, statement of cause of; hearings:				Education, industrial. (See Vocational train- ing.)			
California.....	186	86		Efficiency tests and bonuses:			
Florida.....	466, 467			United States.....	186	439, 440	
Indiana.....	642, 690	186	151		244	352	
Michigan.....	244	186	195		277	358	
Missouri.....	1160, 1161	244			292	96	
Montana.....	1230			Eight-hour day:			
Nebraska.....	1292, 1293			Alaska.....	187, 188	186	65, 66
Nevada.....	1341	186	227		244	59, 60	
			230, 231	Arizona.....	195-197		
Ohio.....	1685	244	264		205, 206		
Oklahoma.....	1721				209, 215		
Oregon.....	1771, 1772				216		
Wisconsin.....	2308			Arkansas.....	247		
(See also Blacklist- ing; Employment of labor; Service letters.)				California.....	261, 263	244	73
Discharged employees, payment of wages due. (See Payment of wages due, etc.)					264, 274	277	64
Discounting of wages. (See Payment of wages, modes and times of.)					275, 305		
				Colorado.....	323		
					334, 389		
				Connecticut.....	407		
					415, 423		
				District of Columbia..	451, 463		
				Hawaii.....	496		
				Idaho.....	507		
					519, 520		
					529, 530		
				Illinois.....	541		
				Indiana.....	639		

	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Eight-hour day—Concl'd.					Emergency suspension, etc., of labor laws:				
Kansas.....	770	244	172		Alaska.....	244	60		
Kentucky.....	832, 883				California.....	244	75, 76		
Maryland.....	934				Connecticut.....	244	110		
Massachusetts.....	970, 1001	213	75		Georgia.....	244	133		
Minnesota.....	1095, 1096	277	145		Massachusetts.....	244	187, 189		
Missouri.....	1175						190		
	1185, 1216						128		
Montana.....	1217, 1226	244	211, 216		New Hampshire.....	244	229, 230		
	1227, 1230				New York.....	244	250, 251		
Nevada.....	1325, 1326	277	209, 210		Oklahoma.....	277	261, 262		
	1338-1340				Pennsylvania.....	244	277, 278		
New Jersey.....	1415				Vermont.....	244	348		
	1429, 1430						320		
New Mexico.....	1433				United States.....	244	380-383		
New York.....	1476				Emigrant agents:				
Ohio.....	1603, 1665				Alabama.....	155			
Oklahoma.....	1704				Florida.....	465, 469	244	129	
	1718, 1737				Georgia.....	479, 491	244	132	
Oregon.....	1760, 1761	186	317				292	23	
	1773, 1774	244	271		Hawaii.....	502-504			
Pennsylvania.....	1791, 1845				Mississippi.....	1152			
Porto Rico.....	1953, 1954	244	313		North Carolina.....	1571			
	1964, 1965				Philippine Islands.....		186	363, 364	
Texas.....	2101				South Carolina.....	2007			
Utah.....	2105, 2108				Tennessee.....		244	322	
Washington.....	2191-2193	244	351		Texas.....		244	332, 333	
West Virginia.....	2236, 2237						292	84-86	
Wisconsin.....	2280				Virginia.....		213	149	
Wyoming.....	2327, 2334				West Virginia.....	2229			
	2335, 2350				(See also Employ- ment offices.)				
United States.....	2361-2363	244	380, 382		Emigration of laborers:				
	2412, 2414		383		Porto Rico.....		277	23	
	2430, 2432				Employees' bonds. (See Bonds of employees.)				
	2433, 2436				Employees, bribery, etc., of. (See Bribery of em- ployees.)				
(See also Hours of la- bor on public works.)					Employees, deceased, payment of wages due. (See Payment of wages, etc.)				
Electric installations, subways, etc.:					Employees' deposits, in- terest to be paid on:				
California.....	297, 298	213	38, 39		Louisiana.....	852			
		244	80		Maine.....		186	177	
Indiana.....	697				Employees, discharge of. (See Discharge, state- ment of cause of; Em- ployment of labor.)				
Massachusetts.....	946				Employees, discharged, payment of wages due. (See Payment of wages, etc.)				
Montana.....		244	214-216		Employees, enticement of. (See Enticing em- ployees.)				
Nevada.....	1350-1353				Employees, examination of. (See Examination, etc.)				
New Jersey.....		244	242		Employees, false charges against. (See Railroad employees, false charges against.)				
Oregon.....	1759, 1760				Employees, forced con- tributions from. (See Forced contributions.)				
Pennsylvania.....		244	292, 298		Employees, intimidation of. (See Intimidation.)				
Washington.....	2221-2224				Employees, intoxication of. (See Intoxication.)				
Electricians, examina- tion, etc., of, digest of laws relating to.....	143	186	10		Employees' inventions:				
		244	10		United States.....	2433, 2435			
		257	10		Employees, loans to:				
Electricity, use of, in mines. (See Mines, electric wiring, etc., in.)					Louisiana.....	866			
Elevator operators, ex- amination, etc., of, dig- est of laws relating to	143				Employees not to be dis- charged on account of age:				
Elevators, inspection and regulation of:					Colorado.....	334			
California.....		213	37						
		244	73, 74						
Connecticut.....		244	108						
Massachusetts.....	1031-1033								
Minnesota.....		277	154						
New Jersey.....	1423-1426	213	86						
New York.....	1496	166	182, 183						
		186	272-277						
		213	100-106						
		244	247, 248						
			254						
Pennsylvania.....		244	287						
Rhode Island.....		213	133						
Wisconsin.....	2313-2320	166	215, 216						
		244	368						
(See also Inspection of factories, etc.)									

	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Employees, protection of. (See Protection of employees, etc.)					Employers to furnish names of employees to officials of county, etc.—Concluded.				
Employees, railroad. (See Railroad employees.)					Hawaii.....	497			
Employees' representation:					Idaho.....	523, 524			
Massachusetts.....	277		127		Montana.....	244		216	
New Jersey.....	292		53, 54			277		174	
Employees, safety and health laws authorized for:					New Mexico.....	1440, 1441			
New York.....	1453				North Carolina.....	1571, 1572			
Ohio.....	1603				South Carolina.....	2006			
Porto Rico.....	244		313		Washington.....	2186, 2187			
Employees, sale of liquor to. (See Intoxicants, sale of, to employees.)					Wyoming.....	2329			
Employees, soliciting money from. (See Employment, foremen, etc., accepting fees for furnishing.)					Employment, abandonment of. (See Contracts of employment.)				
Employees, taxes of. (See Liability of employers for taxes, etc.)					Employment agents. (See Employment of offices.)				
Employees, time for, to vote. (See Time to vote, etc.)					Employment, contracts of. (See Contracts of employment; Employment of labor.)				
Employees, transportation of. (See Transportation of employees.)					Employment, discrimination in, forbidden:				
Employees, vaccination of. (See Vaccination, etc.)					Indiana.....	648			
Employer and employee, obligations of. (See Employment of labor.)					Massachusetts.....	292		48	
Employer's advances, interest on:					Employment, foremen, etc., accepting fees for furnishing:				
Louisiana.....	866				Alabama.....	182, 183			
Employers' advances, repayment of:					Arizona.....	202, 203			
Alabama.....	155, 156				California.....	186		86	
Arkansas.....	246, 247					244		75	
Florida.....	469, 478				Connecticut.....	407			
Georgia.....	491				Florida.....	471			
Louisiana.....	851, 852				Michigan.....	277		140	
Maine.....	1108, 1109	244	180		Montana.....	1242			
Minnesota.....	1144, 1145				Nevada.....	1341	186	227, 228	
Mississippi.....	1439, 1440	244	225		New Hampshire.....	1362			
New Hampshire.....	1594, 1595				New Jersey.....	1406			
New Mexico.....	1949				Ohio.....	244		265	
North Dakota.....	277		271		Pennsylvania.....	1837, 1867			
Oregon.....	257		97, 98		Utah.....	2129	277	318, 319	
Philippine Islands.....	2004, 2005	244	317		Employment, interference with. (See Interference with employment.)				
South Carolina.....	257		105		Employment, notice of termination of. (See Employment, termination of, etc.)				
Virginia.....	489				Employment, obtaining, under false pretenses. (See Employers' advances, repayment of; Employers' certificates, forgery of.)				
Employers' certificates, forgery of:					Employment of aliens. (See Aliens.)				
Georgia.....	1107				Employment of children. (See Children, employment of.)				
Minnesota.....	1342				Employment of children and women. (See Children and women, etc.)				
Nevada.....	1828, 1829				Employment of Chinese. (See Chinese, employment of.)				
Pennsylvania.....	2183				Employment of deserters, etc.:				
Washington.....	2307				Arizona.....	257		27	
Wisconsin.....					Employment of discharged soldiers, sailors, and marines, committees, preferences, etc.:				
Employers' liability. (See Liability of employers for injuries etc.)					California.....	277		59	
Employers' liability commission. (See Commission.)					Illinois.....	277		105, 106	
Employers to furnish names of employees to officials of county, etc.:					Employment of enlisted men in civil pursuits:				
Arkansas.....	238				United States.....	213		151	
California.....	274								
Colorado.....	343								

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Employment of inter- temperate drivers, etc. ( <i>See</i> intertemperate em- ployees, etc.)				Employment of labor, general provisions— Concluded.			
Employment of labor by public-service corpora- tions:				( <i>See also</i> Contracts of employment; Dis- charge, statement of cause of; Em- ployers' advances; Employment, ter- mination of; Exam- ination, etc.; In- spection of facto- ries; Wages, etc.)			
Massachusetts.....	968	.....	.....	Employment of labor on public works. ( <i>See</i> Public works, labor on.)			
Employment of labor, deception, etc., in:				Employment of police- men as laborers:			
Alaska.....	188, 189	.....	.....	Maryland.....	938	.....	.....
California.....	276	186	85	Employment of unem- ployed and needy per- sons. ( <i>See</i> Unem- ployed, etc.)			
Colorado.....	364, 365	244	99	Employment of women. ( <i>See</i> Women, employ- ment of.)			
Florida.....	.....	277	81	Employment of offices, commission on			
Illinois.....	550, 551	277	93	Employment of offices, free public:	145	.....	.....
Massachusetts.....	968	186	185	Arizona.....	244	61	
Minnesota.....	1138	.....	.....	Arkansas.....	244	65	
Montana.....	1239	.....	.....	California.....	186	88	
Nevada.....	1325, 1353	.....	.....	Colorado.....	329-331	186	109
New York.....	1546	.....	.....	Connecticut.....	406, 410	244	99
Oklahoma.....	1720	.....	.....	Georgia.....	244	131	
Oregon.....	1761, 1762	.....	.....	Idaho.....	186	138, 139	
Porto Rico.....	213	131		Illinois.....	551-553	186	142-144
Tennessee.....	2056, 2057	244	321, 322	Indiana.....	698, 699	277	139-143
Virginia.....	213	145		Iowa.....	244	154	
Washington.....	277	334		Kansas.....	771, 772	277	115-118
Wisconsin.....	2282	186	424	Louisiana.....	244	292	27
		277	351	Maryland.....	904	186	162, 163
( <i>See also</i> Strikes, no- tice of, in adver- tisements for la- borers.)				Massachusetts.....	962, 963	213	38
Employment of labor, general provisions:				Michigan.....	1072, 1073	244	92
Arkansas.....	233, 234	186	85, 90	Minnesota.....	1135, 1137	244	166
California.....	265-269	277	78	Missouri.....	1171, 1173	244	166
Colorado.....	.....	186	109, 110	Montana.....	1218	244	183
Connecticut.....	407, 408	277	81	Nebraska.....	1291	277	217
Florida.....	.....	277	93	New Hampshire.....	244	230, 231	183
Georgia.....	483	.....	.....	New Jersey.....	213	241, 242	85
Hawaii.....	486, 488	.....	.....	New York.....	166	174-176	
Idaho.....	497	.....	.....	Ohio.....	213	97, 98	
Indiana.....	518	.....	.....	Oklahoma.....	244	253, 254	
Indiana.....	629, 648	.....	.....	Phillipine Islands.....	257	79	
Kentucky.....	816	.....	.....	Pennsylvania.....	1946	186	331
Louisiana.....	846-848	166	87	Porto Rico.....	1949, 1950	244	302, 303
Massachusetts.....	966-970	292	48	Rhode Island.....	1976	292	79, 80
Michigan.....	1053, 1054	244	196	South Dakota.....	2023, 2024	244	340
Missouri.....	1160-1161	277	138	Utah.....	2238	244	361
Montana.....	1232-1235	277	174, 175	West Virginia.....	2297	277	347, 351
Nebraska.....	.....	277	182-184	Wisconsin.....	244	378	
Nevada.....	.....	277	210-212	United States.....	292	101	
New Mexico.....	.....	277	221				
New York.....	1475-1482	186	296				
North Carolina.....	1586, 1589	.....	.....				
North Dakota.....	1603	.....	.....				
Ohio.....	1718-1721	244	275				
Oklahoma.....	.....	186	330, 331				
Oregon.....	.....	1949	.....				
Pennsylvania.....	.....	244	307, 313				
Phillipine Islands.....	.....	257	97, 98				
Porto Rico.....	1955, 1956	.....	.....				
South Carolina.....	1997-1999	.....	.....				
Texas.....	2004, 2005	.....	.....				
South Dakota.....	2012-2015	.....	.....				
Texas.....	2075	.....	.....				
Utah.....	2105	277	318, 319				
Virginia.....	2152	.....	.....				
Washington.....	.....	277	334, 335				
Wisconsin.....	2258	.....	.....				
Wyoming.....	2280-2282	.....	.....				
United States.....	2327	.....	.....				
	2354	.....	.....				
	2362, 2363	.....	.....				



	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Employment offices, private:				Engineers, examination, etc., of, digest of laws relating to.....	140-143	186	10, 11
Alaska.....	186	72			244	11	
Arkansas.....	277	48			257	10	
California.....	244	65, 66		Engineers, illiterate, employment of, on railroads. (See Railroad employees, illiterate.)			
Colorado.....	264	93		Engineers, unlicensed, employment of:			
Connecticut.....	308-312	277	73	Alabama.....	157		
District of Columbia.....	348-350	186	109	Enticing employees, etc.:			
Georgia.....	406, 407	186	121	Alabama.....	156	292	20
Hawaii.....	412, 413			Arkansas.....	234		
Idaho.....	459-463			Florida.....	468		
Illinois.....	244	142		Georgia.....	488		
Indiana.....	677-680			Hawaii.....	503, 509		
Iowa.....	728, 729			Kentucky.....	814		
Kansas.....	799, 800			Louisiana.....	851		
Kentucky.....	821			Mississippi.....	1144, 1145		
Louisiana.....	843, 844	257	46, 47	North Carolina.....	1565	277	237
Maine.....	887-889	186	177	Porto Rico.....	277	281	
Maryland.....		213	69	South Carolina.....	2006		
Massachusetts.....	945	292	47	Tennessee.....	2033	244	321, 322
Michigan.....	1093, 1094	244	197	United States.....	2422		
Minnesota.....	1097, 1098			(See also Interference, etc.)			
Missouri.....	1172, 1173			Examination, etc., of aeronauts, digest of law relating to.....	143		
Montana.....	1230	277	177-179	Examination, etc., of barbers, digest of laws relating to.....	127-132	166	8
Nebraska.....		186	222-225			186	9, 10
Nevada.....	1328, 1342	244	218-220			244	9
New Hampshire.....	1359, 1360	277	193-196			277	7
New Jersey.....	1377-1382	257	205-208			292	6, 7
New York.....	1461-1469	213	69-74	Examination, etc., of bricklayers:			
Ohio.....	1532, 1533			Wisconsin.....	244	368	
Oklahoma.....	1615-1617	277	252-255	Examination, etc., of chauffeurs, digest of laws relating to.....	132-135	166	7, 8
Oregon.....	1711, 1712	244	267-269			186	10
Pennsylvania.....	186	313-317				244	9, 10
Rhode Island.....	1852-1856	186	335-338			257	9
Rhode Island.....	1967	186	368			277	7, 8
South Dakota.....		277	297-299			292	7
Tennessee.....	2058	186	379	Examination, etc., of electricians, digest of law relating to.....	143	186	10
Texas.....		244	324, 325			244	10
Utah.....		186	391, 392			257	10
Virginia.....	2125-2129	244	340			277	8
Washington.....	2161	213	146, 147	Examination, etc., of elevator operators, digest of law relating to.....	143		
West Virginia.....	2162, 2165		149, 150	Examination, etc., of hoisting-machine operators, digest of law relating to.....	144	186	10, 11
Wisconsin.....	2183	186	397			277	8
Wyoming.....	2229			Examination, etc., of horseshoers, digest of laws relating to.....	135, 136	186	11
(See also Emigrant agents; Lodging houses, sailors')	2302-2304	166	228-232			277	8
Employment, prevention of. (See Interference with employment, and cross references.)		186	421, 422	Examination, etc., of miners, mine foremen, etc.:			
Employment, sex no disqualification for. (See Sex no disqualification, etc.)		277	347	Alabama.....	169-171		
Employment, termination of, notice of:		277	353, 354	Arkansas.....	277	56-58	
Maine.....	870			Colorado.....	370, 371	244	97, 98
Massachusetts.....	986			Illinois.....	594, 595	186	146
New Jersey.....	1391				625-627	244	139-145
Pennsylvania.....	1393, 1394			Indiana.....	662		148, 149
Porto Rico.....	1821	244	307	Iowa.....	699-702		
Rhode Island.....	1985			Kansas.....	733, 734	244	168, 169
South Carolina.....	2008						
Wisconsin.....	2277	244	361				
(See also Discharge; Employment of labor, general provisions.)							

	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Examination, etc., of miners, mine foremen, etc.—Concluded.					Exemption of wages from execution, etc.—Concl'd.				
Kentucky.....	825	166	69-71		Arkansas.....	233, 249			
Missouri.....	831, 832				California.....	270			
Montana.....	1196-1198				Colorado.....	331			
Ohio.....	1254, 1269				Connecticut.....	417	186	120, 121	
Oklahoma.....	1638				Delaware.....	428, 429			
Pennsylvania.....	1639, 1691				District of Columbia.....	451			
	1724				Florida.....	465			
	1803-1805	186	330, 331		Georgia.....	487-489	166	31	
	1833-1836				Hawaii.....	498			
	1871, 1876				Idaho.....	521	186	135	
	1905-1908				Illinois.....	554-556			
Tennessee.....	2044-2046				Indiana.....	629, 665			
	2048				Iowa.....	738-740			
Utah.....	2118				Kansas.....	769			
Virginia.....	2167					792, 793			
Washington.....	2171, 2172				Kentucky.....	815			
West Virginia.....		244	351		Louisiana.....	848			
Wyoming.....	2340, 2341	186	436, 437			850, 862			
Examination, etc., of moving picture ma- chine operators, digest of laws relating to.....	136, 137	166	7		Maine.....	874			
		186	11		Maryland.....	895, 903			
		244	11		Massachusetts.....	948			
		257	10		Michigan.....	1041, 1042	186	198, 199	
Examination of plumb- ers, digest of laws re- lating to.....	137-140	166	8		Minnesota.....	1103, 1104	186	203	
		186	11, 12		Mississippi.....	1147			
		244	11		Missouri.....	1159, 1160			
		277	8			1183, 1202			
Examination, etc., of rail- road employees:					Montana.....	1235			
Alabama.....	153				Nebraska.....	1317, 1318			
Georgia.....	154, 159				Nevada.....	1336			
Massachusetts.....	479				New Hampshire.....	1356			
Ohio.....	952				New Jersey.....	1374	186	242, 243	
(See also Railroad employees, qualifi- cations for; Tele- graph operators, railroad, etc.)	1689						186	242	243
Examination, etc., of steam engineers, fire- men, etc.:					New Mexico.....	1434, 1435	292	55	
New Jersey.....	213		84				286	249	
Examination, etc., of steam engineers, fire- men, etc., digest of laws relating to.....	140-143	186	10, 11		New York.....	1559-1561			
		244	11		North Carolina.....	1573			
		257	10		North Dakota.....	1589			
		277	8		Ohio.....	1687, 1688			
		292	7			1692, 1693			
Examination, etc., of street railway employ- ees:					Oklahoma.....	1708, 1739	186	309	
Louisiana.....	166		88		Oregon.....	1747			
New York.....	1555				Pennsylvania.....	1786, 1787	186	335	
Washington.....	2215				Porto Rico.....	1956, 1957			
Execution, exemption from. (See Exem- tion, etc.)					Rhode Island.....	1986			
Executions in suits for wages. (See Suits for wages.)					South Carolina.....	2000			
Exemption of mechanics, etc., from license tax, list of laws granting.....	80, 81				South Dakota.....	2015			
Exemption of wages from execution, etc.:					Tennessee.....	2023, 2055			
Alabama.....	153, 154				Texas.....	2071			
Alaska.....	186					2073, 2077			
Arizona.....	206, 211				Utah.....	2123			
					Vermont.....	2135, 2136			
					Virginia.....	2156, 2157			
					Washington.....	2179			
					West Virginia.....	2230			
					Wisconsin.....	2304-2307	186	422, 423	
					Wyoming.....	2331, 2346			
					United States.....		186	445	
					Explosives, storage, man- ufacture, etc., of:				
					Iowa.....	743			
					Maryland.....	934			
					Massachusetts.....	982			
					Missouri.....	1179			
					Montana.....		244	213	
					New Jersey.....	1390	244	239, 240	
					Ohio.....	1664	213	113	
						1665, 1689			
					Oklahoma.....	1739, 1740			
					Pennsylvania.....		244	287-299	
					Explosives, use of, in mines. (See Mine regu- lations.)				
					Extortion:				
					Minnesota.....	1107			
					Montana.....	1242			
					(See also Intimida- tion.)				

	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
<b>F.</b>					<b>Factories and workrooms, ventilation, sanitation, etc., of—Concluded.</b>				
Factories, accidents in. (See Accidents, etc.)					Texas.....	257	101-103		
Factories and workrooms, ventilation, sanitation, etc., of:					Vermont.....	2150	244	350	
Alabama.....	161	186	63		Virginia.....	2164	166	210-212	
Arizona.....	211	277	45		Washington.....	2185	213	145	
Arkansas.....		277	53		West Virginia.....	2186, 2194	257	107, 108	
California.....	278, 279	213	30, 31, 36		Wisconsin.....	2239	244	352	
Colorado.....	300, 301	244	93-95			2261	186	341-345	
Connecticut.....	360					2264, 2266		432, 433	
Delaware.....	405	186	122			2310, 2320			
Florida.....	424, 425	277	85, 89			2321, 2325			
Georgia.....		186	126, 127		(See also Air space.)				
Illinois.....	475	244	115-117		Factories, eating, etc., in. (See Food, taken into certain workrooms.)				
Indiana.....		166	32		Factories, fire escapes on. (See Fire escapes, etc.)				
Iowa.....	549, 550	186	145		Factories, etc., inspection of. (See Inspection, etc.)				
Kansas.....	561, 562				Factories, plants, etc., es- tablishment by State:				
Kentucky.....	568, 569				Arizona.....		186	75, 76	
Louisiana.....	589, 590				Factories, etc., registra- tion of:				
Maryland.....	616, 617	277	112		California.....	306, 307			
Massachusetts.....	647, 648				Maryland.....		166	102, 104	
Michigan.....	682, 683				Mississippi.....		166	148	
Minnesota.....	741	186	171-175		New York.....	1490			
Missouri.....		244	166, 167		Wisconsin.....	1518, 1519			
Nebraska.....			173, 174		Factories, smoking in. (See Smoking, etc.)	2265			
Nevada.....		166	36		Factory inspectors. (See Inspectors, factory.)				
New Hampshire.....					Factory regulations. (See Inspection of factories, etc.)				
New Jersey.....					False charges against rail- road employees. (See Railroad employees, etc.)				
New York.....					False credentials, etc., of labor organizations, (See Labor organiza- tions, using false cards of.)				
Ohio.....					False pretenses. (See Employers' advances, repayment of: Em- ployers' certificates, forgery of: Employ- ment of labor, decep- tion in.)				
Oklahoma.....					Fees for furnishing em- ployment. (See Em- ployment, for men, etc., accepting fees for furnishing.)				
Oregon.....					Fellow servant, negligent, to be named in verdict: Minnesota.....	1103			
Pennsylvania.....					Fellow servants. (See Liability of employers for injuries to employ- ees.)				
Porto Rico.....					Female employees. (See Women, employment of.)				
Rhode Island.....					Female employees, seats for. (See Seats for fe- male employees.)				
South Dakota.....					Fines for imperfect work: Massachusetts.....	984			
Tennessee.....						985, 1008			

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Fire escapes on factories, etc.:				Food products, manufac- ture of. ( <i>See</i> Inspec- tion and regulation of bakeries, etc.)			
Alabama.....	157	244	69, 70	Food, taking into certain workrooms:			
Arkansas.....	362, 363			Delaware.....		244	11
Colorado.....	401			Illinois.....	568, 589		
Connecticut.....	415, 423			Missouri.....	1213		
Delaware.....	430			New Jersey.....		166	160
District of Columbia.....	456-458			New York.....	1512		
Georgia.....	485, 491			Ohio.....	1670		
Idaho.....	520			Pennsylvania.....	1935	244	298
Illinois.....	553			West Virginia.....		277	343
Indiana.....	554, 569			Forced contributions from employees:			
Iowa.....	680, 681			Indiana.....	631		
Kansas.....	741, 742	185	164-168	Louisiana.....		213	54
Kentucky.....	774	244	166, 167	Maryland.....	896		
Louisiana.....	815, 816	213	43, 44	Michigan.....	1051, 1052		
Maine.....	844, 845	166	89, 90	Nevada.....	1326	277	203
Maryland.....		257	48, 49	New Jersey.....	1398		
Massachusetts.....		186	177	New York.....		166	181
Michigan.....	1024, 1025			Ohio.....	1685		
Minnesota.....	1066, 1067			Oregon.....		244	275
Missouri.....	1131	277	148	Utah.....		244	338
Montana.....	1179	244	210	Foremen, etc., accepting fees for furnishing em- ployment. ( <i>See</i> Em- ployment, foremen, etc., accepting fees for furnishing.)			
Nebraska.....	1198-1200			Forgery of cards, etc., of labor organizations. ( <i>See</i> Labor organiza- tions, using false cards, etc., of.)			
New Hampshire.....		277	175-177	Forgery of employers' certificates. ( <i>See</i> Em- ployers' certificates.)			
New Jersey.....	1305, 1306	244	217, 218	Foundation for Promo- tion of Industrial Peace:			
New York.....		277	190, 191	United States.....	2417, 2418	257	121, 122
		186	236	Fraudulent contracts of employers. ( <i>See</i> Em- ployers' advances, re- payment of; Employ- ment of labor, decep- tion in.)			
			183, 184	Free public employment offices. ( <i>See</i> Employ- ment offices, free pub- lic.)			
			251	Freedom to trade. ( <i>See</i> Coercion, etc.)			
			255-258				
			266, 267				
			272				
			99, 100				
			244				
North Carolina.....	1574						
North Dakota.....	1585						
Ohio.....	1663, 1664						
Oklahoma.....	1717, 1739						
Pennsylvania.....	1788-1790	244	279, 280				
	1838, 1849						
	1863, 1866						
	1867, 1920						
	1921						
Rhode Island.....	1977-1981						
South Dakota.....	2012						
Tennessee.....	2067-2069						
Texas.....		186	385, 386				
		244	330-332				
Vermont.....	2140						
Virginia.....	2153	213	148, 149				
West Virginia.....	2241, 2242	277	343				
Wisconsin.....	2294-2296	166	222-225				
		186	430-432				
Wyoming.....		244	369-371				
( <i>See also</i> Inspection and regulation of factories and work- shops.)							
Fire marshal:							
Arkansas.....		244	69, 70				
Hawaii.....		244	135				
New York.....	1472-1475	186	251				
Pennsylvania.....	1866, 1867						
Fire, safeguards against, in factories. ( <i>See</i> In- spection of factories, etc.)							
Firemen, stationary, ex- amination, etc., of. ( <i>See</i> Examination, etc.)							
First-aid provisions. ( <i>See</i> Accidents, provi- sions for.)							





	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Hours of labor in general employments—Concld.					Hours of labor of employ- ees on railroads:				
New Hampshire.....	1355				Arizona.....	210			
New York.....	1476, 1477	186	254, 255		Arkansas.....	240			
		213	92		California.....	241, 247			
Ohio.....	1665				Colorado.....	295, 296			
Oregon.....	1780				Connecticut.....	343			
Pennsylvania.....	1791				District of Columbia..	415			
Porto Rico.....	1958, 1959	166	199		Florida.....	452			
		244	307, 308		Georgia.....	466			
Rhode Island.....	1985				Indiana.....	479, 480			
South Carolina.....	2001	213	139, 140		Iowa.....	669, 670			
Utah.....		186	393		Kansas.....	722, 723			
Wisconsin.....	2280				Maryland.....	794			
Hours of labor in indus- tries of continuous op- eration, investigation of:					Michigan.....	896			
Massachusetts.....		213	78		Minnesota.....	1043			
Hours of labor of children and women. ( <i>See</i> Chil- dren, etc.)					Missouri.....	1114			
Hours of labor of deck officers:					Montana.....	1176, 1210	277	165	
United States.....	2438				Nebraska.....	1227			
Hours of labor of drug clerks:					Nevada.....	1312, 1313			
California.....	289				New Mexico.....	1353, 1354			
New York.....	1553	166	186, 187		New York.....	1442			
Hours of labor of employ- ees in bakeries:					North Carolina.....	1477			
New Jersey.....	1419, 1420				North Dakota.....	1478, 1548			
Pennsylvania.....	1827				Ohio.....	1576, 1577			
Hours of labor of employ- ees in brickyards:					Oregon.....	1594			
New York.....	1476				Porto Rico.....	1684			
	1477, 1548				South Dakota.....	1770			
Hours of labor of employ- ees in compressed air:					Texas.....	1954			
New Jersey.....		166	157		United States.....	2019			
New York.....	1526, 1527				Washington.....	2085			
Pennsylvania.....		244	282, 283		West Virginia.....	2086, 2095			
Hours of labor of employ- ees in electric plants:					Wisconsin.....	2192, 2193			
Arizona.....	196				United States.....	2242			
Hours of labor of employ- ees in Government Printing Office:					United States.....	2287			
United States.....	2363				United States.....	2290, 2291			
Hours of labor of employ- ees in groceries:					United States.....	2418, 2419	213	151	
New York.....		186	254, 255					153, 154	
Hours of labor of employ- ees in mines, smelters, etc.:					Hours of labor of employ- ees on street railways:				
Alaska.....	188	186	65		California.....	264			
Arizona.....	197	244	59		Louisiana.....	845, 846			
	209, 210				Maryland.....	938			
	215, 216				Massachusetts.....	1011	186	186	
California.....	305				New Jersey.....	1403, 1404			
Colorado.....	323, 389				New York.....	1477, 1547			
Idaho.....	519, 520				Pennsylvania.....	1817, 1818			
Kansas.....		244	172		Rhode Island.....	1984			
Maryland.....	921				South Carolina.....	2003	213	137	
Missouri.....	1175, 1185				Washington.....	2192			
Montana.....	1217	244	211		Hours of labor of letter carriers:				
Nevada.....	1226, 1227				United States.....	2362, 2430			
North Dakota.....	1325, 1326				Hours of labor of seamen:				
Oklahoma.....	1338, 1339				United States.....		186	440	
Oregon.....	1737	277	241		Hours of labor of tele- graph operators. ( <i>See</i> Hours of labor of em- ployees on railroads.)				
Pennsylvania.....	1760, 1761				Hours of labor of tele- phone operators:				
Utah.....	1864				Montana.....	1243			
Washington.....	2108				Hours of labor of women. ( <i>See</i> Women, etc.)				
Wyoming.....	2193	244	351		Hours of labor on public roads, summary of laws fixing.....	85, 86	257	12	
	2327				Hours of labor on public works:				
	2334, 2335				Alaska.....	187			
Hours of labor of employ- ees in plaster and ce- ment mills:					Arizona.....	195, 197			
Nevada.....	1339				California.....	261, 274, 275	244	73	
					Colorado.....	334			
					District of Columbia..	451, 463			
					Hawaii.....	496			
					Idaho.....	507, 529, 530			
					Indiana.....	639			
					Kansas.....	770			
					Kentucky.....	832, 833			
					Maryland.....	934			
					Massachusetts.....	970	166	134	
						971, 1001	213	75	

	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Hours of labor on public works—Concluded.					Industrial commission. (See Commission, industrial, etc.)				
Minnesota.....	1095, 1096	257	53		Industrial directory:				
Missouri.....	1216	277	145		New Jersey.....	166	158		
Montana.....	1217, 1227	244	211, 216		New York.....	1489			
Nevada.....	1340	277	209, 210		Industrial diseases. (See Occupational diseases.)				
New Jersey.....	1415				Industrial education. (See Vocational training.)				
New Mexico.....	1429, 1430				Industrial Peace, Foundation for the Promotion of:				
New York.....	1476, 1547	213	91-93		United States.....	2417, 2418	257	121, 122	
Ohio.....	1603	292	66		Industrial police, digest of laws as to:	92-97			
Oklahoma.....	1704, 1718				Industrial rehabilitation. (See Rehabilitation of injured workmen.)				
Oregon.....	1761	186	317		Industrial relations, commission on, digest of law relating to:	146, 147			
Pennsylvania.....	1773, 1774	244	271		Industrial relations, court of:				
Porto Rico.....	1845				Kansas.....	292	29-37		
Texas.....	1953, 1954	244	313		Industrial reports by employers:				
Utah.....	1964, 1965				Montana.....	277	174		
Washington.....	2101				Industrial welfare commissions, etc.:				
West Virginia.....	2105, 2108				California.....	277	63, 64		
Wisconsin.....	2191, 2192				Michigan.....	277	139, 140		
Wyoming.....	2236, 2237				West Virginia.....	277	346		
United States.....	2281	277	348, 351		Industries and immigration, bureau of:				
	2327, 2350				New York.....	1530-1532			
	2361-2363				Injunctions:				
	2432, 2433				Kansas.....	805, 806			
(See also Eight-hour day.)					Massachusetts.....	166	142		
Housing.....		292	17, 18		Minnesota.....	244	205, 206		
(See also Homes for workingmen.)					Montana.....	1235			
Hygiene, industrial:					North Dakota.....	277	242, 243		
New York.....	1488, 1489				Oregon.....	277	273, 274		
Pennsylvania.....	1923				Utah.....	244	336, 337		
					Washington.....	277	333, 334		
I.					Wisconsin.....	277	347, 348		
Illiterate employees on railroads. (See Railroad employees, illiterate.)					United States.....	166	235, 236		
Immigration:					Injured persons, special training for, investigation of:				
Delaware.....	434				Massachusetts.....	213	77		
Illinois.....		277	105		Injuries causing death, right of action, for, list, etc., of laws granting:	83-85			
New York.....	1530-1532				Injuries, personal, actions for:				
Rhode Island.....	166		201		Arizona.....	195			
South Carolina.....	1992				Connecticut.....	397, 398			
United States.....	2414-2416	244	375-380		Delaware.....	433			
	2439				Georgia.....	486, 487			
Immigration and housing, commission of:					Hawaii.....	501			
California.....	313-316	186	92		Idaho.....	521			
Immigration, bureau of:					Illinois.....	556	186	145, 146	
Illinois.....		277	105		Indiana.....	629			
Massachusetts.....		244	188, 189		Iowa.....	738	244	161	
United States.....		244	376, 378		Kentucky.....	816			
Immigration, bureau of industries and:					Louisiana.....	846, 847	257	47	
New York.....	1530-1532				Michigan.....	1053			
(See also Alien contract labor.)					Minnesota.....	186	202, 203		
Immigration, commission on, digest of laws relating to:		146			Missouri.....	1166-1168			
Importing workmen from outside the State:					Nevada.....	186	225		
Oregon.....	1761, 1762				New Hampshire.....	1337			
Inclosed platforms. (See Protection of employees on street railways.)					New Jersey.....	1400			
Incorporation of labor organization, etc. (See Labor organizations, etc.)					North Dakota.....	244	257		
Industrial board. (See Commission, industrial, etc.)					Pennsylvania.....	1783, 1829	186	342	
Industrial code, commission for:					Tennessee.....	2032-2034			
Washington.....		277	333		Texas.....	2079, 2080			
					Wisconsin.....	2304			

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Injuries, personal, actions for—Concluded.				Inspection and regulation of factories and work- shops—Continued.			
Wyoming.....	2327			Illinois.....	547-550	186	145, 146
United States.....		186	450		566-574	244	143
Injuries to employees. (See Liability of em- ployers.)				Indiana.....	588-591	277	108
Inspection and regulation of bakeries, etc.:					644-650	186	151, 152
California.....	290-292			Iowa.....	740-743	186	112
Colorado.....	393-395						160
Connecticut.....	400, 401-416	244	108	Kansas.....	774	186	164-168
Delaware.....	435-438				775, 797	244	171-175
Georgia.....		166	32	Kentucky.....	830, 831	166	166, 167
Illinois.....	562						173, 174
	616-618			Louisiana.....	852, 853	213	33, 35, 36
Indiana.....	682-684	277	112-114		860-862	213	43-49
Iowa.....	760, 761			Maine.....	868, 869	186	53
Kentucky.....		213	47-49		885, 886		
Maryland.....		166	99-101	Maryland.....	898	166	93, 94
Massachusetts.....	943	292	48, 49		934, 935		98-104
Michigan.....		277	137			213	64
Minnesota.....	1096, 1097	277	155-158	Massachusetts.....	960	166	125-127
	1122, 1123				979-983		130-133
Missouri.....	1203, 1204				1000, 1008		141-143
Nebraska.....	1280-1282	277	182		1009	186	184-186
New Jersey.....	1382, 1383				1022-1027	213	73
	1418-1421				1029	244	187
New York.....	1520-1524	186	270-272			277	129, 134
			281				135
North Dakota.....		244	257	Michigan.....	1053	186	187
Ohio.....	1649, 1650				1066-1072	277	137
Oklahoma.....	1740-1742			Minnesota.....	1119, 1120	277	145-148
Oregon.....		186	317, 318		1128-1132		154-158
Pennsylvania.....	1827, 1828	186	339	Mississippi.....	1147	166	147, 148
	1848					213	81
		277	352-356	Missouri.....	1179-1183	186	206
			276, 277			244	209, 210
Rhode Island.....	1972-1975					277	163-168
Tennessee.....	2057-2059			Montana.....		186	212, 215
Vermont.....		244	350	Nebraska.....	1298-1301	214	217, 218
Washington.....	2185					277	188-193
	2186, 2221			Nevada.....	1343	186	232
Wisconsin.....	2261-2263	186	432, 433			277	210-212
	2310	244	364	New Hampshire.....	1362	186	236
Wyoming.....	2350, 2351					244	226-229
Inspection and regulation of barber shops:				New Jersey.....	1388-1393	166	158-162
Idaho.....		277	103		1409	213	83
Nevada.....		244	224			244	237-243
New Hampshire.....	1361, 1362					257	67
North Dakota.....	1595					277	223, 224
(See also Examination, etc., of barbers.)				New York.....	1453	166	177
Inspection and regulation of factories and work- shops:					1485-1490		182-186
Alabama.....	157, 158	186	63, 64		1496-1524	186	255-260
	161, 162	277	45		1562		263, 266
Alaska.....		277	48, 49				267, 272
Arizona.....	201						278-293
Arkansas.....	258, 259	244	69, 70	North Dakota.....	1585		
		277	56	Ohio.....	1608, 1615	213	110-115
California.....	278, 279	186	99		1644-1654	277	250-252
	284, 285	213	30-39			292	65
		244	73-75	Oklahoma.....	1716-1718		
			80, 81	Oregon.....	1755-1759	277	269-271
			93-95			292	68-73
		277	73, 74	Pennsylvania.....	1787-1790	186	339
Colorado.....	359-364	186	108				343-361
			110, 111		1838		279, 280
Connecticut.....	403-405	186	119, 122		1847-1849	244	287-299
		244	107-109		1865-1867		276, 277
Delaware.....	431-433	186	123-128		1924, 1925	277	
		244	115-118		1927-1937		
District of Columbia.....	456-458	166	30	Philippine Islands.....		244	302
Florida.....	475			Porto Rico.....	1963	244	311, 312
Georgia.....	485, 493	166	32	Rhode Island.....	1970-1975	244	315
		213	41		1977-1982		
Hawaii.....		244	135	South Carolina.....		186	371
Idaho.....		244	137			213	137

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Inspection and regulation of factories and work- shops—Concluded.				Inspection of steam boil- ers:			
South Dakota.....	2011			Alaska.....	186	71	
Tennessee.....	2012, 2026			Arkansas.....	244	71, 72	
	2036, 2037	186	377, 378	California.....	213	39	
			381, 382		244	77, 78	
		244	322	Colorado.....	343-345		
Texas.....		277	301-305	Connecticut.....	409, 410	186	119, 120
		186	385, 386	Delaware.....		277	91
		244	330-332	Indiana.....	694	186	152-154
		257	101-103		710-717		
Utah.....	2105	244	339-346	Iowa.....	743		
Vermont.....	2150			Maine.....	867, 868		
Virginia.....	2162-2165	166	207	Maryland.....	935-937		
			210-212	Massachusetts.....	953-959	257	58
		213	145, 148			277	135
			149	Michigan.....	1072		
Washington.....	2193-2196	277	321-330	Minnesota.....	1100-1103	277	150-152
West Virginia.....	2238, 2239	186	416, 417	Montana.....	1219-1222	244	213
		277	341-345			277	172
Wisconsin.....	2259	166	221-228	New Jersey.....		244	238, 239
	2261-2266	186	427-432			277	219-221
	2296, 2297			New York.....	1474, 1475	186	257
	2310-2325					244	254
						277	227, 228
Wyoming.....		244	369-373	Ohio.....	1605	213	115
(See also Cellars and basements, use of; Compressed air; Explosives; Facto- ries and work- rooms, ventilation, etc., of; Fire es- capes; Guards for dangerous machin- ery; Inspection, etc., of bakeries; Inspectors, factory; Laundries; Seats for female employ- ees; Sweating sys- tem; Toiletrooms.)				Oklahoma.....	1654-1658	277	260, 261
Inspection of factories and workshops, com- mission on, digest of laws relating to.....	145, 146			Pennsylvania.....	1848, 1849	244	286
Inspection of locomotives:						277	278
District of Columbia.....	463			Rhode Island.....		277	291-294
Indiana.....	684-686			Wisconsin.....		166	218-221
	710					244	367
Massachusetts.....	952			(See also Inspection of locomotives.)			
New York.....	1556-1558	292	63, 64	Inspection of steam boil- ers in mines. (See Mine regulations.)			
Ohio.....	1682, 1683			Inspection of steam ves- sels:			
Vermont.....	2144, 2145			Indiana.....	652, 653		
United States.....	2427-2430	186	450	Maine.....	873		
Inspection, etc., of mercan- tile establishments:				Michigan.....	1057-1060		
New Jersey.....	1408, 1409			Minnesota.....	1100-1103		
New York.....	1487, 1488	166	178, 179	Montana.....	1273, 1274	244	213
Inspection, etc., of mines. (See Mine regulations.)				New Hampshire.....	1371	186	235
Inspection of railroads, railroad equipment, etc.:				New Jersey.....	1400, 1401		
Connecticut.....	421, 422			New York.....	1540-1542		
		186	177	Pennsylvania.....	1840-1844		
Maine.....		244	177	Washington.....	2208-2210		
				United States.....	2367-2374	186	439, 441
Michigan.....	1073, 1074						450, 451
Mississippi.....	1149			Inspector, cannery:			
Missouri.....	1180, 1181			Delaware.....		186	125-128
Montana.....	1245			Ohio.....		277	251
Nevada.....	1335			Inspectors, factory, etc.:			
Ohio.....	1681-1683			Alabama.....	157, 158	186	63, 64
Oregon.....	1764				161, 162	277	45, 46
Texas.....	2098			Alaska.....		277	48, 49
Utah.....		244	335, 336	Arkansas.....	253		
Vermont.....	2138			Colorado.....	332, 333	277	82
Washington.....	2212, 2213				359, 364		
	2219, 2220			Connecticut.....	410, 411	186	122
United States.....	2421, 2422				414, 415	244	109
						277	89
				Delaware.....	432, 433	186	124-128
					435-438		
					440, 449		
				District of Columbia.....		166	30
				Florida.....	474, 476	186	129
				Georgia.....	493	213	41
				Illinois.....	548, 549	186	145
						244	142, 143
				Indiana.....	648, 650	186	152
					693-695		
				Iowa.....	725, 726		
				Kansas.....	797	244	166, 167
					803, 804		
				Kentucky.....	810, 811	166	33

	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Inspectors, factory, etc.— Concluded.					Inspectors, mine—Concl'd.				
Louisiana.....	837, 852	166	90		Nevada.....	1328-1330	186	277	
Maine.....	853, 862				New Mexico.....	1433, 1445	277	225	
Maryland.....	884-887	277	125			1446, 1451			
	914-916	166	94, 98, 99		New Jersey.....		166	166	
			123, 124		New York.....	1524			
		213	61		North Carolina.....	1569, 1570			
Massachusetts.....	959, 960	166	130		North Dakota.....	1589, 1590			
	976, 1016	186	184		Ohio.....	1605, 1608	277	258	
	1017, 1019	257	58			1617-1621			
	1021	277	129		Oklahoma.....	1703			
			134-136			1724-1726			
Michigan.....	1061-1063					1744			
	1067, 1068				Pennsylvania.....	1794-1797	186	329, 331	
Minnesota.....	1134-1136					1831, 1832			
Mississippi.....		166	147, 148			1900-1905			
Missouri.....	1177-1179	277	166-168		South Dakota.....	2009	277	299	
Montana.....	1272				Tennessee.....	2030	186	380	
Nebraska.....	1290					2037-2042	244	325	
New Hampshire.....	1365	244	227, 229		Texas.....	2080, 2081			
New Jersey.....	1392	213	83		Utah.....	2111, 2112	244	341	
	1393, 1409	244	233, 234		Virginia.....	2166			
	1410, 1417	277	221		Washington.....	2198	244	351	
	1486-1489	277	228, 229				277	321-330	
		292	60		West Virginia.....	2243-2245	186	400-402	
Ohio.....	1605, 1608						244	355	
	1644-1647						277	345	
	1668				Wyoming.....	2327			
Oklahoma.....	1716					2342-2344			
Oregon.....	1751, 1752					2349			
Pennsylvania.....	1921-1923	244	277, 278		United States.....	2408, 2409			
Philippine Islands.....	1946				Inspectors, railroad:				
Porto Rico.....	1959, 1960				Illinois.....	558, 559	244	142	
Rhode Island.....	1970-1972	213	136		Maine.....		186	177	
	1977	257	95		Massachusetts.....	950			
		277	291-294		Michigan.....	1073			
		292	77		Nebraska.....	1315			
South Carolina.....	1993				Ohio.....	1681, 1683			
	1994, 2003				Texas.....	2098			
South Dakota.....	2026				Washington.....	2219, 2220			
Tennessee.....	2036, 2058	186	381		Insurance, accident:				
	2061, 2062	277	301		California.....		244	85, 86	
Texas.....	2077, 2078				Connecticut.....	419			
Utah.....	2130				Idaho.....	532, 533			
Vermont.....	2146, 2147	186	395		Indiana.....	690, 691			
		244	347		Massachusetts.....		186	185	
Virginia.....		166	212		Michigan.....	1050, 1074	244	197-199	
Washington.....	2187, 2188				Nebraska.....	1283			
West Virginia.....	2234	186	416, 417		New Jersey.....	1384			
		277	341		North Carolina.....	1580			
Wisconsin.....	2295-2297				North Dakota.....	1595			
Inspectors, mercantile:					Oregon.....	1772			
New York.....	1486, 1488	166	182		Pennsylvania.....	1926, 1927			
Inspectors, mine:					South Carolina.....	1995			
Alabama.....	165, 166				Vermont.....	2146			
Alaska.....	192	186	66, 67		Washington.....	2216			
Arizona.....	196, 217, 218				Wisconsin.....	2291, 2292			
Arkansas.....	236, 237	244	67-69		Insurance, collective:				
		277	56-58		Maine.....	879			
Colorado.....	335-337	244	99		New Jersey.....	1384			
	365-370				Insurance, cooperative:				
Idaho.....	507-511				Maryland.....	921-926			
Illinois.....	594-599	186	146, 147		Michigan.....		186	187-189	
		244	139-145				244	197-199	
Indiana.....	660	186	152		Insurance of employees:				
	662, 673				California.....	301-304			
Iowa.....	729-731	186	163		Illinois.....	618			
Kansas.....	780, 799				Louisiana.....		213	54	
Kentucky.....	816-824	166	53-56		Maryland.....		166	95-98	
	832		69, 71		Massachusetts.....		166	130	
		257	39-41					131, 143	
Louisiana.....	863						213	71	
Maryland.....	926	213	65, 66				257	53-55	
Michigan.....	1074	277	137		Michigan.....	1079-1082			
	1075, 1084					1094			
Minnesota.....	1109-1111				Minnesota.....	1123-1125			
Missouri.....	1191-1193					1142			
Montana.....	1248-1253	186	215		Nebraska.....	1283-1287			
	1278	244	213		New Hampshire.....	1368-1370			
					New Jersey.....	1384			



	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Insurance of employees— Concluded.				Interstate commerce in products of child labor. (See Children, employ- ment of, general pro- visions for.)			
New York.....	1469-1472	257	77, 78	Intimidation:			
Ohio.....	1686, 1687			Alabama.....	157		
South Carolina.....	1995	186	371, 372	Colorado.....	324		
Insurance, health:				Connecticut.....	398		
California.....		244	92	Illinois.....	539, 558		
Illinois.....		244	147, 148	Louisiana.....	842, 843		
Massachusetts.....		244	191	Maine.....	876		
			257	Massachusetts.....	967		
Ohio.....		244	262, 263	Michigan.....	1051		
Pennsylvania.....		244	285, 286	Mississippi.....	1146		
Insurance, social:				Missouri.....	1164		
California.....		244	79	New York.....	1544		
Massachusetts.....		257	60	North Dakota.....	1592, 1593		
Ohio.....		244	262, 263	Oklahoma.....	1706		
Wisconsin.....		244	363, 364	Oregon.....	1749		
			367	Porto Rico.....	1953		
Insurance, unemploy- ment:				Rhode Island.....	1986		
Michigan.....		186	187-189	South Dakota.....	2017, 2018		
		244	197-199	Texas.....	2091		
Intelligence offices. (See Employment offices.)					2092, 2094		
Intemperate employees:				Utah.....	2125		
California.....	263			Vermont.....	2140		
Illinois.....	500			Washington.....	2205		
Michigan.....	1042, 1047			(See also Interference with employment, and cross refer- ences.)			
Montana.....	1275			Intoxicants, sale of, to employees:			
Nebraska.....	1282			Arizona.....	212		
New Jersey.....	1404			California.....	292		
New York.....	1469, 1550			Colorado.....	326, 327		
	1554, 1555			Hawaii.....	501, 502		
North Dakota.....	1585			Massachusetts.....	945		
Oklahoma.....	1740			Michigan.....		186	189, 190
Vermont.....	138			Minnesota.....	1095, 1119		
Wisconsin.....	2259, 2260			Montana.....	1241, 1242	186	209
Wyoming.....	2334			Nebraska.....	1310		
(See also Intoxica- tion, etc.)				Nevada.....	1345		
Interference with em- ployment:				New Hampshire.....	1360		
Alabama.....	154			New Jersey.....	1385		
Arkansas.....	234			North Dakota.....	1592		
Delaware.....	429			Ohio.....	1665		
Florida.....	469, 470	186	130	Oregon.....	1768		
Georgia.....	488, 489			Rhode Island.....	1977		
Idaho.....		244	138	South Dakota.....	2011		
Illinois.....	560			Utah.....	2129		
Iowa.....		244	164	Vermont.....	2139, 2140		
Kentucky.....	813, 814			Washington.....	2187		
Louisiana.....	851			West Virginia.....	2241		
Massachusetts.....	1027, 1028			Intoxication, drinking, etc., of employees:			
Minnesota.....	1104, 1108	244	201, 202	Alabama.....	160, 182		
Mississippi.....	1144			Alaska.....		186	70
Nevada.....	1340			Arizona.....	226		
New Hampshire.....	1356, 1357	244	225, 226	Arkansas.....	239		
New Jersey.....	1403			California.....	273		
New York.....	1544, 1545			Connecticut.....	398	244	107
North Dakota.....	1583, 1591			Florida.....	470		
Pennsylvania.....	1785, 1819			Idaho.....	528		
Rhode Island.....	1986, 1987			Illinois.....	613		
Tennessee.....		244	321, 322	Indiana.....	675, 702		
Texas.....		292	81-83	Iowa.....	754		
Utah.....	2110			Maine.....	873		
Washington.....	2180, 2183			Maryland.....	932		
West Virginia.....	2252	186	408	Michigan.....	1092		
Wisconsin.....	2307, 2308			Minnesota.....	1106		
United States.....	2422			Mississippi.....	1145		
(See also Blacklist- ing; Boycotting; Conspiracy against workingmen; En- ticing employees; Intimidation; Pro- tection of employ- ees; Sabotage; Strikes of railroad employees.)				Missouri.....	1164		
				Montana.....	1240		
					1265, 1275		
				Nebraska.....	1282		
					1283, 1312		
				Nevada.....	1327, 1339		



	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Labor, refusal to perform:					Liability of employers for injuries to employees—Continued.				
Kansas.....		244	164		Arkansas.....	241, 245	244	70	
West Virginia.....		244	359, 360		California.....	250, 251			
Labor, requirement of, as war emergency:					Colorado.....	254, 255	186	105	
Delaware.....		257	29		Connecticut.....	265, 266			
Georgia.....		257	35-37		District of Columbia.....	342, 343			
Kentucky.....		257	43, 44		Florida.....	358, 359			
Louisiana.....		257	45, 46		Georgia.....	363, 365			
Maryland.....		244	183-185		Idaho.....	408			
Massachusetts.....		257	58-60		Illinois.....	451, 452	186	145, 146	
Montana.....		257	64		Indiana.....	468			
New Jersey.....		257	67-69		Iowa.....	477, 478			
New York.....		257	81-83		Kansas.....	480-483			
Rhode Island.....		257	93-95		Kentucky.....	524-526			
South Dakota.....		257	100		Louisiana.....	560			
West Virginia.....		244	359, 360		Maine.....	629			
Labor, Sunday. (See Sunday labor.)					Maryland.....	633, 643			
Laborers, alien. (See Alien laborers.)					Massachusetts.....	644, 663			
Laborers, exemption of, from license tax, list of laws granting.....	80, 81				Michigan.....	688-690	186	163, 164	
Laborers' lodging houses. (See Lodging houses.)					Minnesota.....	695-697	244	161	
Laborers. (See Employees.)					Mississippi.....	720-722			
Ladders, standards for: Pennsylvania.....		244	286		Missouri.....	740, 741			
Laundries, regulation of:					Montana.....	774			
Arizona.....	211				Nebraska.....	775, 793			
California.....		213	36		Nevada.....	801, 802	257	41	
Delaware.....		186	123		New Hampshire.....				
Kansas.....		244	173, 174		New Jersey.....				
Montana.....	1230				New Mexico.....				
New York.....	1512				New York.....				
Oregon.....		213	117, 124		North Carolina.....				
Virginia.....	2163, 2164				North Dakota.....				
Wisconsin.....	2313, 2325				Ohio.....				
Leave of absence for employees in public service:					Oklahoma.....				
California.....	292	186	85		Oregon.....				
District of Columbia.....	463		134		Pennsylvania.....				
Hawaii.....		186			Philippine Islands.....				
Iowa.....	745, 746		125		Porto Rico.....				
Massachusetts.....		186	183		South Carolina.....				
Nevada.....	1328				South Dakota.....				
North Carolina.....	1565				Texas.....				
United States.....	2354, 2355				Utah.....				
	2360-2364				Vermont.....				
	2435				Virginia.....				
Letter carriers, hours of labor of:					Wisconsin.....				
United States.....	2363								
Letters of recommendation. (See Employers' certificates.)									
Liability of corporations for debts of contractors for labor, list of laws determining.....	76-79								
Liability of employees for negligence. (See Negligence.)									
Liability of employers, and workmen's compensation for injuries, commission on. (See Commission, etc.)									
Liability of employers for injuries to employees:									
Alabama.....	151-153								
Alaska.....	189								
Arizona.....	190, 194	277	51						
	195, 196								
	204, 205								

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Liability of employers for injuries to employees— Concluded.							
Wyoming.....	2327	166	233	Locomotives, headlights on. (See Railroads, safety provisions on.)			
United States.....	2328, 2341			Lodging houses, laborers':			
(See also Contracts of employees waiving right to damages; Employment of labor; Injuries, etc.; Insurance, accident.)	2351, 2352			Connecticut.....	408		
Liability of employers for taxes of employees:	2419-2421	186	450	Hawaii.....	497		
Alaska.....				(See also Labor camps.)			
California.....	262			Lodging houses, sailors':			
Georgia.....	479			Louisiana.....	846		
Idaho.....	511, 520			United States.....	2396		
Louisiana.....	849, 850			(See also Seamen.)			
Montana.....	1274, 1275			Logging and sawmill safety orders:			
Nevada.....	1327, 1328			California.....		244	95
Pennsylvania.....	1844			Lunch, time for. (See Time for meals.)			
(See also Employers to furnish names, etc.)	1845, 1864						
Liability of railroad companies for debts of contractors. (See Liability of stockholders; Protection of wages.)				M.			
Liability of railroad companies for injuries to employees. (See Liability of employers.)				Mail cars:			
Liability of railroad companies for wages due from predecessors:				United States.....	2430, 2435		
Wisconsin.....	2289			Mail, obstructing:			
Liability of stockholders of corporations for wage debts, list of laws determining.....	79			United States.....	2364		
License tax, exemption of mechanics, etc., from, list of laws granting.....	80, 81			Mail service, ocean, American vessels and crews for:			
License tax, laborers not to pay:				United States.....	2364		
Louisiana.....	837			Manufactures, State:			
Philippine Islands.....	1944			Arizona.....		186	75, 76
Licensing, etc. (See Examination, etc.)				Married women, earnings of. (See Earnings of married women.)			
Liens. (See Mechanics' liens.)				Master and servant. (See Employment of labor; Liability of employers; and cross references under each.)			
Lighting code:				Matches, use of white phosphorus in making:			
New Jersey.....	244	243		United States.....	2431, 2432		
Pennsylvania.....	244	287		Meals, time for. (See Time for meals.)			
Liquor. (See Intoxicants.)				Mechanics, exemption of, from license tax, list of laws granting.....	80, 81		
Loans to employees:				Mechanics, exemption of, from manufacturers' taxes:			
Louisiana.....	866			Philippine Islands.....	1944		
Local or special laws regulating labor, etc.:				Mechanics' liens, digest of laws relating to.....	27-76	166	10"
Kentucky.....	809					186	17, 18
Louisiana.....	837					213	12
North Carolina.....	186	296				247	16
	244	255				257	12
Pennsylvania.....	1783					292	8
Texas.....	2071			Mediation. (See Arbitration.)			
Virginia.....	2151			Medical attendance for employees:			
Locomotive boilers, inspection of. (See Inspection of locomotives.)				New Mexico.....	1435		
Locomotives, etc., abandonment of. (See Strikes of railroad employees.)				Oregon.....		244	275
				Medical inspection:			
				New York.....	1488, 1489		
				Pennsylvania.....	1922, 1923		
				(See also Physical examination of employees.)			
				Mercantile establishments, etc., inspection of. (See Inspection, etc., of mercantile establishments.)			
				Messenger service by children. (See Children, employment of, in street trades.)			
				Militia, organized. (See Protection of employees as members of National Guard.)			

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Mine gases, etc., investi- gation of:				Mine regulations—Con.			
Kentucky.....	826, 827	---	---	Texas.....	2080-2083	186	389
United States.....	2426	---	---	Utah.....	2097-2100	---	---
Mine inspectors. ( <i>See In-</i> spectors, mine.)				2111-2120	244	341	341
Mine operations, com- mission on. ( <i>See Bu-</i> reau of mines.)				Virginia.....	2166-2177	213	313
Mine regulations:				Washington.....	2198-2208	244	351, 332
Alabama.....	158	---	---	2217	277	---	321-330
165-184	---	---	---	West Virginia.....	2232, 2233	186	335, 336
Alaska.....	185	186	66-72	2239-2241	244	399-416	---
192, 193	244	---	60	2243-2254	277	355, 357	---
Arizona.....	231	186	73	2327	---	186	425, 426
Arkansas.....	234-239	244	77, 78	2329, 2330	244	345, 346	---
243-245	277	---	67-69	2332-2345	277	373	---
California.....	289	244	55-58	2347-2350	---	353, 355	---
286-289	---	---	79	2408-2410	---	---	---
321	---	---	---	United States.....	---	---	---
323	186	---	105	( <i>See also</i> Accidents	---	---	---
335-341	244	---	97-99	in mines; Inspec-	---	---	---
365-389	277	---	81-83	tors, mine; Mines,	---	---	---
526-529	186	137, 138	---	etc.)	---	---	---
Idaho.....	244	137	---	Mine regulations, com- mission on:	---	---	---
Illinois.....	535, 556	186	146-149	Illinois.....	---	244	156, 157
557, 565	244	---	139-145	Maryland.....	---	166	94
580-588	---	---	156-158	292	---	292	45
591-616	277	---	108, 109	Mine regulations, com- mission on, digest of laws as to.....	147	---	---
624-627	277	111, 112	---	Miners, examination, etc., of. ( <i>See</i> Exam- ination, etc.)	---	---	---
653-663	---	---	---	Miners' home:	---	---	---
669-673	---	---	---	Pennsylvania.....	1829-1831	---	---
729-737	186	163	---	Miners' hospital:	---	---	---
747-755	---	---	---	California.....	287	---	---
757-760	---	---	---	New Mexico.....	1439	---	---
777-790	186	169, 170	---	Ohio.....	213	107-110	---
801, 804	244	168-172	---	Pennsylvania.....	1825, 1826	---	---
805	277	121	---	Utah.....	2120	---	---
816-827	166	53-73	---	West Virginia.....	2235, 2236	---	---
831	257	41, 43	---	Wyoming.....	2238, 2239	---	---
926-934	213	65, 66	---	Miners, qualifications of. ( <i>See</i> Examinations, etc., of miners.)	---	---	---
1074-1077	---	---	---	Mines, accidents in. ( <i>See</i> Accidents in mines.)	---	---	---
1083-1092	---	---	---	Mines, bureau of. ( <i>See</i> Bureau of Mines.)	---	---	---
1109-1112	---	---	---	Mines, department of. ( <i>See</i> Bureau of Mines.)	---	---	---
1183-1198	186	206-208	---	Mines, electric wiring, etc., in:	---	---	---
1204, 1205	244	209, 210	---	Alabama.....	181, 182	---	---
1214, 1215	---	---	---	Colorado.....	382	---	---
1240, 1241	186	215	---	Idaho.....	527	---	---
1247-1271	244	213	---	Illinois.....	608	---	---
1328-1335	186	227-229	---	Kansas.....	789	---	---
1344	244	224	---	Kentucky.....	166	66	---
1346-1348	---	---	---	Michigan.....	1087	---	---
1354	---	---	---	Montana.....	1264	---	---
New Jersey.....	277	222, 223	---	Ohio.....	1630-1632	---	---
New Mexico.....	1433, 1434	186	250	Oklahoma.....	1732	---	---
1436, 1437	---	---	---	Pennsylvania.....	1887-1895	---	---
1445-1451	---	---	---	Texas.....	2098, 2099	---	---
1524-1526	---	---	---	West Virginia.....	186	410, 411	---
1529, 1547	---	---	---	Wyoming.....	277	353	---
1566-1571	---	---	---	Mines, fire-fighting and rescue stations for. ( <i>See</i> Accidents, provisions for.)	---	---	---
North Carolina.....	277	241	---	Mines, etc., hours of labor in. ( <i>See</i> Hours of la- bor, etc.)	---	---	---
North Dakota.....	166	193, 194	---	Mines, inspection of. ( <i>See</i> Mine regulations.)	---	---	---
Ohio.....	186	304, 305	---	Mines, inspectors of. ( <i>See</i> Inspectors, mine.)	---	---	---
1617-1644	244	261	---	277	---	---	---
186	---	---	---	277	---	---	---
244	---	---	---	277	---	---	---
277	---	---	---	277	---	---	---
292	---	---	---	277	---	---	---
66	---	---	---	277	---	---	---
Oklahoma.....	1723-1738	---	---	277	---	---	---
1742-1745	---	---	---	277	---	---	---
Oregon.....	1762-1764	---	---	277	---	---	---
Pennsylvania.....	1792-1817	186	329-331	277	---	---	---
1831-1837	---	---	335	277	---	---	---
1857	244	284	---	277	---	---	---
1867-1916	---	---	---	277	---	---	---
1933	---	---	---	277	---	---	---
South Dakota.....	2009-2011	277	299	277	---	---	---
2018, 2019	---	---	---	277	---	---	---
Tennessee.....	2031	186	380, 381	277	---	---	---
2042-2055	244	325	---	277	---	---	---
2065-2067	---	---	---	277	---	---	---



	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Minimum wages:				Mothers' pensions—Con.			
Arizona.....	244	61, 62		North Dakota.....	186	297, 298	
Arkansas.....	186	79, 80		Ohio.....	1661, 1662	186	305
	277	56		Oklahoma.....	1740, 1745	186	308, 309
California.....	316-320	166	29	Oregon.....	1774, 1775	186	312, 313
		186	93, 94			244	272-274
		213	29, 30	Pennsylvania.....	1917, 1918	186	340-342
		244	92, 93			277	277, 278
Colorado.....	390-392	244	100-105	South Dakota.....	2026-2028	244	319
District of Columbia.....	257	31-34				277	299, 300
Kansas.....	186	171-175		Tennessee.....		186	378, 379
Massachusetts.....	1012-1014	166	128-130			277	305, 306
		186	184	Texas.....		244	328, 329
		213	76, 78, 79	Utah.....	2133, 2134	186	393
		244	191-193			277	315, 316
		277	127	Virginia.....		257	105
		292	47, 48	Washington.....	2227, 2228	186	398
						277	321
Minnesota.....	1138-1141			West Virginia.....		186	418, 419
Nebraska.....	1306-1308					244	355, 356
North Dakota.....		277	243-247	Wisconsin.....	2256, 2257	244	361-363
Ohio.....	1603			Wyoming.....		186	435, 436
Oregon.....	1775-1780	186	311				
		213	118-120	Mothers' pensions, com-			
			122-127	mission on, digest of			
Porto Rico.....		277	284	laws as to.....	148		
Texas.....		277	308-312	Moving-picture machines,			
		292	81	examinations, etc., of			
Utah.....	2133			operators of, digest of			
Washington.....	2224-2227	186	397, 398	laws relating to.....	136, 137	166	7
		244	351-354			186	11
Wisconsin.....	2282-2284					244	11
						257	10
Minimum wages, com-				N.			
mission on, digest of				Names of employees to			
laws as to.....	147, 148	186	38	be furnished. (See			
Minors, earnings of. (See				Employers to furnish			
Earnings of minors.)				names, etc.)			
Misdemeanors, penalty				National Guard, mem-			
for:				bers of, not to be ex-			
Georgia.....	492			cluded from labor or-			
New York.....	1547-1549			ganizations. (See La-			
Utah.....	2123			bor organizations, etc.)			
Mothers' pensions:				National Guard, protec-			
Arizona.....		186	74, 75	tion of employees as			
		244	62, 63	members of. (See Pro-			
Arkansas.....		244	70	tection of employees as			
California.....	262			members of National			
Colorado.....	326			Guard.)			
Delaware.....		244	113-115	National trade-unions:			
		277	92	United States.....	2404		
		292	21	Navy yards, employees			
Florida.....		277	93-95	in:			
Hawaii.....		277	99, 100	United States.....	2354		
Idaho.....	533, 534	186	138	Negligence of employees			
Illinois.....	618-620	186	141	of common carriers:			
		244	146, 147	Alabama.....	159		
Iowa.....	719	244	161	Arizona.....	209		
Kansas.....		186	170, 171	Arkansas.....	231		
		244	163, 164	California.....	272, 273		
Louisiana.....		292	42, 43	Florida.....	470		
Maine.....		244	178-180	Georgia.....	488		
		277	123	Idaho.....	523		
Maryland.....		213	66-69	Illinois.....	539		
Massachusetts.....	1028, 1029			Kansas.....	766, 767		
Michigan.....	1055, 1056			Louisiana.....	840		
Minnesota.....	1126	244	202-204	Maine.....	875		
		277	152	Massachusetts.....	948, 949		
Missouri.....	1201	244	207, 208		952, 953		
Montana.....		186	209, 210	Michigan.....	1059		
		244	212, 213	Minnesota.....	1104-1107		
		277	175	Mississippi.....	1145, 1146		
Nebraska.....	1279, 1280	186	217, 218	Missouri.....	1163		
		277	196, 197	Montana.....	1239, 1240		
Nevada.....	1321, 1322	186	229, 230	Nevada.....	1338-1340		
		244	223	New Jersey.....	1401, 1402		
New Hampshire.....	1369, 1370	186	236, 237	New York.....	1542, 1546		
New Jersey.....	1430, 1431	186	239		1547, 1550		
			240, 242	North Dakota.....	1591, 1592		
New York.....		186	252-254	Oklahoma.....	1706		
		213	97				
		277	228				

	Bulletin No. 148.		Bulletin.			Bulletin. No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Negligence of employees of common carriers— Concluded.					Occupational diseases, re- ports, prevention, etc., of—Concluded.				
Oregon.....	1748				New Jersey.....	1423	166	158-162	
Pennsylvania.....	1786				New Mexico.....	1435	244	242	
Porto Rico.....	1957, 1958	213	131		New York.....	1490	166	181	
South Carolina.....	2000, 2006					1512, 1516			
South Dakota.....	2016, 2017					1520-1529			
Tennessee.....	2034	244	322		Ohio.....	1661	292	65	
Utah.....	2124				Pennsylvania.....	1668-1672			
Vermont.....	2138				Rhode Island.....	1934-1937	244	298, 299	
Virginia.....	2159				Wisconsin.....	2258, 2259	186	367	
Washington.....	2180-2182				Ocean mail service, American vessels and crews for:				
West Virginia.....	2184, 2209				United States.....	2364			
Wisconsin.....	2210				Offenses. (See Negli- gence.)				
United States.....	2230				Oil and gas wells near mines:				
Negligence of operators of steam boilers, etc.:	2306				Illinois.....	616			
Arizona.....	2407				Ohio.....	1640, 1641			
California.....	208				Old-age, accident, etc., relief:				
Idaho.....	272				Alaska.....	186			
Minnesota.....	523				Arizona.....	186		74, 75	
Minnesota.....	1106, 1107				Old-age insurance and pensions, commissions on, digest of laws as to.	148, 149			
Montana.....	1238-1240				(See also Commissions.)				
Nevada.....	1338, 1340				Overtime work:				
New York.....	1547				Arkansas.....	186		79	
	1549, 1555				California.....	213		30	
North Dakota.....	1591, 1592					244		92, 93	
Pennsylvania.....	1842, 1843				Kansas.....	244		174	
Porto Rico.....	1957				Oklahoma.....	186		308	
South Dakota.....	2017				Oregon.....	1780	244	271	
Negligent fellow servant to be named in verdict:					Philippine Islands.....	244	244	301	
Minnesota.....	1103				Porto Rico.....	1961	244	305	
Newsboys. (See Chil- dren, employment of, in street trades.)					Texas.....	186		390	
Night work. (See Chil- dren, night work by; Women, night work by.)					Washington.....	2192			
Nonresidents, employ- ment of, as armed guards. (See Armed guards.)					United States.....	2436	213	154	
Notice of intention to ter- minate employment. (See Employment, ter- mination of, notice of.)						244		380	
Notice of reduction of wages. (See Wages, reduction of, notice of.)									
<b>O.</b>									
Obligations of employers, etc. (See Employ- ment of labor.)					<b>P.</b>				
Obstructing mail:					Payment of wages due at end of employment:				
United States.....	2364				Arizona.....	209			
Occupational diseases, commission, etc., on, resolutions as to.....	148				Arkansas.....	239, 240			
Occupational diseases, re- ports, prevention, etc., of:					California.....	298, 299	186	87, 90	
California.....	263	244	79				277	61	
Connecticut.....	296, 297				Colorado.....	346	277	83, 84	
Illinois.....	424				Idaho.....	532			
	568	186	145, 146		Indiana.....	690	186	151	
Maine.....	588-591				Kansas.....	773, 800	277	121	
Maryland.....	890				Louisiana.....	866	166-	87-89	
Massachusetts.....	898					292		42	
	1008, 1009				Maine.....	884			
	1033-1035				Massachusetts.....	984			
Michigan.....	1074				Minnesota.....	186		201	
Minnesota.....	1122					277		149, 150	
Missouri.....	1211-1214				Missouri.....	1206			
New Hampshire.....	1369				Nevada.....		277	203	
					New Jersey.....	1393, 1394			
					Oregon.....	1762	277	266	
					South Carolina.....	1998	186	373, 374	
							277	295	
					Utah.....		277	313	
					West Virginia.....		277	344	
					Wisconsin.....		186	421	
					Wyoming.....		277	355	
					Payment of wages due deceased employees:				
					Alabama.....	153			
					Arizona.....	211	244	61	
					Delaware.....	435			
					Florida.....		244	129	
					Georgia.....	483	186	131	

	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Payment of wages due deceased employees— Concluded.					Payment of wages, modes and times of—Concl'd.				
Mississippi.....	1146, 1147	292	51		Maine.....	872, 873	186	178	
New Jersey.....	1399, 1400	---	---			885, 884	---	---	
Pennsylvania.....	1856	277	275		Maryland.....	895	---	---	
Payment of wages in bar- rooms:					Massachusetts.....	938, 939	166	125, 126	
California.....	275	---	---			984, 986	186	184, 186	
Nevada.....	1334	---	---			1000	213	71	
Payment of wages in scrip:							257	53, 55	
Arizona.....	209-212	---	---				292	47	
Arkansas.....	242	---	---		Minnesota.....	1103	186	201	
California.....	294, 295	186	100, 101		Mississippi.....	1153	166	145	
Colorado.....	346-348	---	---				213	146, 150	
Florida.....	---	186	129		Missouri.....	1160, 1176	277	82	
Georgia.....	479	---	---			1177, 1184	---	166	
Illinois.....	557	244	147			1185, 1202	---	---	
Indiana.....	640	---	---		Montana.....	---	277	171, 172	
	653, 687	---	---		Nebraska.....	---	244	220, 221	
Iowa.....	735	---	---		Nevada.....	---	277	202-204	
Kansas.....	771	244	167, 168		New Hampshire.....	1355	277	213	
Kentucky.....	809, 814	---	---			1356, 1368	---	---	
Louisiana.....	841	---	---		New Jersey.....	1396-1400	---	---	
	842, 853	---	---			1406, 1417	---	---	
Maryland.....	920	---	---		New Mexico.....	---	244	245	
	921, 939	---	---		New York.....	1479, 1548	---	---	
Michigan.....	1044	---	---		North Carolina.....	---	186	205, 206	
	1082, 1083	---	---		North Dakota.....	---	244	257, 258	
Minnesota.....	---	244	205		Ohio.....	1693, 1694	---	---	
Mississippi.....	---	166	145, 146		Oklahoma.....	1719, 1742	---	---	
Missouri.....	---	277	166		Oregon.....	---	244	272	
Montana.....	1228	---	---		Pennsylvania.....	1825, 1857	277	275	
Nevada.....	1325, 1342	277	203			1917, 1933	---	---	
New Hampshire.....	1362, 1363	---	---		Philippine Islands..	---	244	303	
New Jersey.....	1397, 1398	277	221			1983	---	---	
New Mexico.....	1437	---	---		Rhode Island.....	---	166	204	
	1438, 1440	---	---			1995	213	139	
New York.....	1478, 1479	---	---			---	277	295	
North Carolina.....	1566	---	---		South Dakota.....	---	277	300	
Oklahoma.....	1719	---	---		Tennessee.....	2033, 2064	244	321	
Oregon.....	1762	---	---			---	213	386	
Pennsylvania.....	1844	---	---		Texas.....	---	277	313, 314	
Philippine Islands.....	---	213	129		Utah.....	---	---	---	
Porto Rico.....	1954	---	---		Vermont.....	2136, 2137	---	---	
South Carolina.....	1998	166	203, 204		Virginia.....	2158, 2159	257	108, 109	
	1999, 2005	186	371, 374			---	244	357, 358	
Tennessee.....	2033	186	379		West Virginia.....	2235	277	344, 345	
	2035, 2036	244	321			---	186	421	
Utah.....	---	277	314		Wisconsin.....	2281	277	361	
Vermont.....	2136, 2137	---	---			---	244	355	
Virginia.....	2159	---	---		Wyoming.....	2345	277	441	
Washington.....	2189, 2190	---	---		United States.....	---	186	---	
West Virginia.....	2234	277	344, 345		(See also Payment of wages in scrip.)				
Wisconsin.....	2235, 2261	---	---		Payment of wages, re- fusal of. (See Wages, refusing to pay.)				
(See also Company stores.)					Peddler's license, exemp- tion of mechanics from, list of laws granting.....	80, 81	---	---	
Payment of wages, modes and times of:					Penalty for misdemea- nors. (See Misdemean- ors.)			---	
Arizona.....	209	---	---		Pensions for employees:				
Arkansas.....	239	---	---		California.....	---	277	72, 73	
	240, 249	---	---		Connecticut.....	---	277	87	
California.....	299	186	101			---	277	123	
	305, 306	244	79, 80		Maine.....	993-999	166	128, 130	
Colorado.....	345-348	277	61-63, 78		Massachusetts.....	1002-1007	---	133, 134	
Connecticut.....	407, 408	277	83, 84			1009, 1011	186	183, 186	
Georgia.....	---	277	87, 88			1018, 1027	213	73, 74	
Hawaii.....	498	---	---			---	257	57	
Illinois.....	542	---	---			---	292	47	
	561, 623	---	---		New Jersey.....	---	186	243-246	
Indiana.....	639-641	---	---			---	244	234, 235	
	687, 703	---	---			---	---	240	
	704	---	---		Pennsylvania.....	1783	186	320	
Iowa.....	735	186	159, 160			---	---	326-328	
Kansas.....	773	186	169			---	244	339	
Kentucky.....	821	213	46, 47			---	213	277	
Louisiana.....	864	166	86, 87		Philippine Islands..	---	213	129, 130	
	---	213	52		United States.....	---	257	117	
	---	257	48						

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Pensions for employees, commission on:				Protection of employees as candidates for office:			
New York.....		257	79	California.....		186	85
Pensions for employees, summary of laws.....		292	13, 14	Wyoming.....	2332		
Pensions, mothers'. (See Mothers' pensions.)				Protection of employees as members of labor or- ganizations:			
Peonage:				California.....	275		
Nevada.....	1345			Colorado.....	351, 352		
Philippine Islands.....		166	197	Connecticut.....	398, 399		
United States.....	2355			Idaho.....	518, 519		
	2408, 2423			Indiana.....	631		
Phosphorus, white, use of, in manufacture of matches:				Kansas.....	774		
United States.....	2431, 2432			Louisiana.....		166	91, 92
Physical competence, cer- tificates of. (See Chil- dren, employed, etc.)				Massachusetts.....	967		
Physical examination of employees:				Minnesota.....	1107, 1108		
Illinois.....	588			Mississippi.....	1149, 1150		
New Jersey.....		166	161	Nevada.....	1343		
New York.....	1482	186	271, 272	New Hampshire.....	1371, 1372		
		292	59, 60	New Jersey.....	1400		
Ohio.....	1671			New York.....	1544, 1545		
Pennsylvania.....	1936	186	328, 329	Ohio.....	1693		
		244	299	Oklahoma.....	1719, 1720		
Physicians, employment of:				Oregon.....	1750		
Arkansas.....	255, 256			Pennsylvania.....	1840	244	312
New Mexico.....	1435			Porto Rico.....	1958		
Tennessee.....	2035			South Carolina.....	2003, 2004		
Picketing:				Utah.....	2129		
Alabama.....	154			Wisconsin.....	2308		
Colorado.....	324			Protection of employees as members of National Guard:			
Kansas.....		292	34	Arizona.....	229, 230		
West Virginia.....	2252			California.....	274		
Utah.....	277		319	Illinois.....	580		
United States.....		166	235	Kansas.....	777		
(See also Interference with employment.)				Maine.....	879	244	181
Plate printers, wages, etc., of:				Massachusetts.....	1010, 1011		
United States.....	2434			Michigan.....	1061		
Plumbers, examination, etc., of, digest of laws relating to.....				Mississippi.....		213	82
				New York.....	1549		
Poisons, handling, manu- facture, etc., of. (See Occupational diseases.)				Ohio.....		244	262
Police officers. (See Armed guards.)				Oklahoma.....	1745		
Policemen, employment of, as laborers:				Washington.....	2197, 2198	244	352
Maryland.....	938			Wisconsin.....	2306		
Poll tax of employees, liability of employers for. (See Liability of employers for taxes of employees.)				Protection of employees as traders. (See Coer- cion of employees.)			
Postal employees, rights of:				Protection of employees as voters:			
United States.....	2436, 2437	244	380	Alabama.....	155		
Powder, use of, in mines. (See Mine regulations.)				Arizona.....	208		
Preference of wages. (See Wages as preferred claims.)				Arkansas.....	232		
Printing, public. (See Public printing.)				California.....	271	186	85
Profit sharing by cor- porations:				Colorado.....	327-329		
Connecticut.....	402			Connecticut.....	399		
Massachusetts.....	946			Delaware.....	427		
New Jersey.....		292	53, 54	Florida.....	471, 472		
Protection of alien labor- ers. (See Alien labor- ers.)				Idaho.....	523		
				Indiana.....	631		
				Iowa.....	719, 720		
				Kansas.....	768		
				Kentucky.....	815	213	43
				Louisiana.....	840, 841		
				Maryland.....	898		
				Massachusetts.....	1039		
				Michigan.....	1052	244	197
				Minnesota.....	1095		
					1108, 1122		
				Mississippi.....	1143, 1144		
				Missouri.....	1169		
				Montana.....	1237		
				Nebraska.....	1280		
				Nevada.....	1345	186	228
				New Jersey.....	1376, 1377	292	55, 57
				New Mexico.....	1434		
					1441, 1443		
				New York.....	1546		
				North Carolina.....	1565, 1581		
				Ohio.....	1694	244	264
				Oklahoma.....	1707, 1708		

	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Protection of employees as voters—Concluded.					Protection of employees on street railways— Concluded.				
Oregon.....	1748, 1749				North Carolina.....	1564			
Pennsylvania.....	1783, 1784				Ohio.....	1692	186	301	
Philippine Islands.....	1945	244	303			277		249	
Porto Rico.....	1957				Oregon.....	1766			
South Carolina.....	2001				South Carolina.....	1999	166	203	
South Dakota.....	2010					257	97, 98		
Tennessee.....	2011, 2016				Tennessee.....	2035			
	2032				Utah.....	2124, 2125			
Texas.....	2055, 2056				Virginia.....	2153			
	2090				Washington.....	2215			
Utah.....	2106	244	338		West Virginia.....	2237			
West Virginia.....	2229	186	418		Wisconsin.....	2291			
Wisconsin.....	2255				(See also Street rail- ways, safety appli- ances on.)				
Wyoming.....	2277, 2311				Protection of employees. (See also Fireescapes on factories; Guards for dangerous machinery; Inspection of factories, etc.; Mine regulations; Railroads, safety appli- ances on.)				
(See also Time to vote.)	2329				Protection of wages, sum- mary of laws requiring. (See also Exemption of wages; Forced contributions; Li- ability of stockhold- ers of corporations for wage debts; Wages as preferred claims.)	76-79			
Protection of employees on buildings:					Public buildings, con- tract work on:				
California.....	273				California.....	263			
	274, 286				Public carriers, intem- perate employees on. (See Intemperate em- ployees; Intoxication.)				
	298-300				Public employment of offices. (See Employ- ment offices.)				
	307				Public ownership. (See State, manufactures, etc., by.)				
Colorado.....	392, 393				Public printing office, employees in:				
Connecticut.....	413, 414	277	85, 86		California.....	261, 262	186	103	
Delaware.....	1301-1305	244	124, 125		Iowa.....	244		161	
Illinois.....	562-565				Kansas.....	798			
Indiana.....	695-697	277	114, 115		Massachusetts.....	244		190, 191	
Kansas.....	775, 776				Oregon.....	1773			
Louisiana.....	853-856				Philippine Islands.....	1939, 1940	244	301, 302	
Maryland.....	899, 900				Porto Rico.....	244		305	
Massachusetts.....	1042				United States.....	2362, 2363	257	121	
Minnesota.....	1130, 1131					2422, 2434	277	359	
Missouri.....	1180				Public printing to be done within the State, list of laws requiring.	86, 87			
Montana.....	1244, 1245				Public printing, union label to be used on:				
Nebraska.....	1301-1305	277	191-193		Maryland.....	903			
Nevada.....	277	210-212			Montana.....	1217			
New Jersey.....	244	235-237			Nevada.....	1335			
New York.....	1480, 1481	277	233		Public-service commis- sions, duties of:				
	1548, 1549				Arizona.....	195			
Ohio.....	1608	277	255, 256		California.....	186		87	
	1691, 1692				Connecticut.....	425			
Oklahoma.....	1721, 1722	277	261		District of Columbia.....	464			
Oregon.....	1759, 1760	277	271		Hawaii.....	506			
Pennsylvania.....	1783				Illinois.....	627, 628			
Porto Rico.....	1851, 1852	244	312		Indiana.....	674, 675			
Rhode Island.....	1988, 1989				Kansas.....	186		175	
Texas.....	277	307, 308			Maine.....	186		177	
Washington.....	277	321-330			Missouri.....	1216			
Wisconsin.....	2295, 2296	166	217, 218						
Protection of employees on road engines:									
Indiana.....	688								
Protection of employees on street railways:									
Arkansas.....		244	69						
Colorado.....	341, 342								
Connecticut.....	403								
Delaware.....	435								
District of Columbia.....	456								
Illinois.....	560, 561								
Indiana.....	633, 634								
Iowa.....	719, 744	186	159						
Kansas.....	794, 795	244	173						
Louisiana.....	850	166	75						
Maine.....	876, 877								
Massachusetts.....	953								
Michigan.....	1045								
Minnesota.....	1108	277	140						
Mississippi.....	1153								
Missouri.....	1166								
Montana.....	1225								
	1226, 1271								
Nebraska.....	1315, 1316								
New Hampshire.....	1359								
New Jersey.....	1404								
New York.....	1559								



	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Public-service commis- sions, duties of—Concl'd.				Public works, preference of domestic materials for:			
Montana.....	1245, 1277	---	---	Massachusetts.....	166	---	---
Nebraska.....	1315	---	---	Minnesota.....	186	203, 204	---
Nevada.....	1335	---	---	Missouri.....	1155, 1201	---	---
New Jersey.....	1409	---	---	New Mexico.....	1440	---	---
New Mexico.....	1433	---	---	Porto Rico.....	---	186	365
Oregon.....	1764	---	---	Washington.....	2221	---	---
Pennsylvania.....	1937, 1938	---	---	United States.....	2361	---	---
South Carolina.....	1995	---	---				
Vermont.....	2138, 2139	---	---	Public works, rates of wages of employees on. (See Rates of wages, etc.)			
Washington.....	2213, 2218	186	399				
Wisconsin.....	2219, 2223	---	---				
United States.....	2284, 2286	---	---				
	2421-2426	---	---				
Public supplies, prefer- ence of domestic prod- ucts for:				<b>R.</b>			
California.....	264	---	---	Railroad bridges, height of. (See Railroad tracks, etc.)			
Michigan.....	1077	---	---	Railroad cars, etc., to be repaired within the State:			
New York.....	1559	---	---	Arkansas.....	---	186	80, 81
North Dakota.....	1585	186	297	Louisiana.....	856, 857	---	---
Oregon.....	---	186	317	Texas.....	2096	---	---
Pennsylvania.....	---	186	342				
United States.....	2353, 2355	186	439	Railroad cars, refusal to move. (See Strikes of railroad employees.)			
Public works, commis- sion on labor on, reso- lution as to.....	147	---	---	Railroad commissions. (See Public service commissions.)			
Public works, employ- ment of aliens on. (See Aliens, employment of, etc.)				Railroad companies, li- ability of, for debts of contractors for labor. (See Liability of stock- holders; Protection of wages.)			
Public works, hours of labor on. (See Hours of labor.)				Railroad companies, li- ability of, for injuries to employees. (See Li- ability of employers.)			
Public works, labor on:				Railroad companies, li- ability of, for wages due from predecessors:			
Arizona.....	197	---	---	Wisconsin.....	2289	---	---
California.....	263	186	102	Railroad employees, com- plaints by:			
		244	73, 79, 80	Massachusetts.....	949	---	---
Hawaii.....	496	186	133	Railroad employees, dis- obedience of. (See Negligence, etc.)			
		244	135-137	Railroad employees, ex- amination, etc., of. (See Examination, etc.)			
Idaho.....	---	186	135	Railroad employees, false charges against:			
Kentucky.....	---	257	39	Arkansas.....	241	---	---
Maryland.....	934	---	---	Indiana.....	697, 698	---	---
Nevada.....	1327	277	208, 209	Iowa.....	---	186	168
New Jersey.....	1376	---	---	Missouri.....	1164	---	---
New York.....	1453	186	251	South Dakota.....	2028	---	---
	1479, 1480	---	---				
Oklahoma.....	1718, 1719	---	---	Railroad employees, forced contributions from. (See Forced contributions.)			
Oregon.....	1773, 1774	244	271	Railroad employees, hours of labor of. (See Hours of labor, etc.)			
Pennsylvania.....	---	244	284, 285	Railroad employees, illit- erate:			
Porto Rico.....	---	244	313	Idaho.....	532	---	---
Virginia.....	2155	---	---	Minnesota.....	1106	---	---
Washington.....	---	277	321	Missouri.....	---	244	208
(See also Rates of wages of employees on public works.)				Nevada.....	1339	---	---
Public works, payment of wages of employees on:				New York.....	1550	213	94
California.....	274, 275	---	---	Ohio.....	1689	---	---
Public works, etc., pre- ference of citizens or resident laborers, etc., on:				Oregon.....	1772	---	---
Arizona.....	---	186	73	Washington.....	2182, 2214	---	---
		244	64				
Indiana.....	664	277	53, 54				
Louisiana.....	848, 856	---	---				
Maine.....	879	---	---				
Massachusetts.....	967	166	134				
		244	188				
New Hampshire.....	---	186	235				
New Mexico.....	1440	---	---				
New York.....	1479	186	251				
Pennsylvania.....	1838, 1845	---	---				
Utah.....	2129	---	---				
(See also Agents, em- ployment of.)							

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Railroad employees, etc., intoxication of. ( <i>See</i> <i>Intoxication.</i> )				Railroad tracks, struc- tures near:			
Railroad employees, neg- ligence of. ( <i>See</i> <i>Negli- gence, etc.</i> )				Indiana.....	668		
Railroad employees, pro- tection of. ( <i>See</i> <i>Rail- roads, safety provisions, etc., on.</i> )				Kansas.....	186	175	
Railroad employees, qualifications of:				Minnesota.....	1127, 1128	201, 202	
Arizona.....	203, 204			North Dakota.....	1599, 1600		
California.....	212, 213			Ohio.....	1690		
Georgia.....	294			Railroad train orders:			
Indiana.....	479			California.....		186	91
Massachusetts.....	480, 491			Railroad trains, number of cars in:			
Michigan.....	695, 704			Arizona.....	228		
New York.....	705, 709			Railroad trains, etc., suf- ficient crews required on:			
Ohio.....	952			Arizona.....	210		
Oregon.....	1007, 1008			Arkansas.....	214, 215		
(See also <i>Examina- tion, etc., of rail- road employees; Railroad employ- ees, illiterate; Tele- graph operators, railroad, etc.</i> )	1077, 1078			California.....	246, 249		
Railroad employees, rules for. ( <i>See</i> <i>Rules, etc.</i> )				Connecticut.....	250, 254		
Railroad employees, <i>strikes</i> of. ( <i>See</i> <i>Strikes, etc.</i> )				California.....	293, 294	186	91, 92
Railroad employees to be paid when discharged. ( <i>See</i> <i>Payment of wages due discharged em- ployees.</i> )				Connecticut.....	402		
Railroad employees, uni- forms of:				Indiana.....	403, 417		
New York.....	1551			Maine.....	675, 676		
Washington.....	2214, 2215			Massachusetts.....	688, 706		
Railroad employees, etc., voting by:				Mississippi.....	708-710		
Kansas.....	768, 769			Maryland.....	873		
Michigan.....	244	195-197		Mississippi.....	896, 897		
Missouri.....	1210, 1211	244	208	Massachusetts.....	1029		
Nevada.....	1322	186	233	Mississippi.....	166	150, 151	
New Mexico.....	1443, 1444			Missouri.....	1208, 1209	277	161
Railroad inspectors. ( <i>See</i> <i>Inspectors, rail- road.</i> )				Nebraska.....	1310, 1311		
Railroad relief societies. ( <i>See</i> <i>Benefit societies.</i> )				Nevada.....	1346, 1347	186	229
Railroad tracks, bridges, wires, etc., over:				New Jersey.....	1426, 1427	244	235
Arkansas.....	243			New York.....	1554		
Connecticut.....	399			North Dakota.....	1586	277	241, 242
Idaho.....	520, 521			Ohio.....	1690, 1691	277	258
Indiana.....	667, 668			Oregon.....	1781		
Iowa.....	691, 692			Pennsylvania.....	1916, 1917		
Kentucky.....	723			South Carolina.....	1996		
Michigan.....	795			Texas.....	2084		
Minnesota.....	1044, 1048	186	201, 202	Washington.....	2220, 2221		
Mississippi.....	1148	186	218, 219	Wisconsin.....	2288		
Nebraska.....	1358			Railroad trains, switch- ing:			
New Hampshire.....	1599			Mississippi.....	1147, 1148		
North Dakota.....	1683			Railroads, accidents on. ( <i>See</i> <i>Accidents.</i> )			
Ohio.....	1684, 1689			Railroads, construction of caboose cars on:			
Oregon.....	1765, 1766			Arkansas.....	253		
Rhode Island.....	1983			Illinois.....	579, 580		
Vermont.....	2137			Indiana.....	680, 687		
				Iowa.....	746		
				Kansas.....	891	244	173
				Maine.....	1056		
				Michigan.....	1119		
				Minnesota.....	1202, 1203		
				Missouri.....	1231		
				Montana.....	1313, 1314		
				Nebraska.....	1369		
				New Hampshire.....	1558	292	59
				New York.....	1595, 1596		
				North Dakota.....	1680	186	305
				Ohio.....	2022, 2023		
				South Dakota.....	2165, 2166	166	208
				Virginia.....	2214		
				Washington.....	2285		
				Wisconsin.....			
				Railroads, construction of engine cars on:			
				Arkansas.....		244	67
				Railroads, construction of post-office cars on. ( <i>See</i> <i>Railway mailcars.</i> )			
				Railroads, hours of labor of employees on. ( <i>See</i> <i>Hours of labor.</i> )			

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Railroads, inspection of. (See Inspection of railroads, etc.)				Railroads, safety provisions, etc., on—Concld.			
Railroads, obstructing, hindering operation of, etc. (See Abandonment of locomotives; Strikes of railroad employees.)				Vermont.....	2137, 2138	-----	-----
Railroads, rules for employees on. (See Rules, etc.)				Virginia.....	2145, 2146	-----	-----
Railroads, safety provisions, etc., on:				Washington.....	2153, 2154	166	208, 209
Arizona.....	215, 216	-----	-----	Washington.....	2210-2214	-----	-----
Arkansas.....	247	186	78	West Virginia.....	2218-2220	186	399
California.....	250, 253	244	67	Wisconsin.....	2260, 2261	244	361
Colorado.....	312, 313	186	86, 87, 91	United States.....	2401, 2402	-----	-----
Connecticut.....	342	244	76, 77, 91	(See also Inspection of railroads, etc.; Railroads, construction of cabooses cars on.)	2413, 2414	-----	-----
Delaware.....	343, 395	-----	-----	Railroads, shelters for workmen on:	2421-2425	-----	-----
District of Columbia.....	402, 425	244	107	Arkansas.....	245	-----	-----
Florida.....	433, 434	-----	-----	Kansas.....	794	-----	-----
Georgia.....	452	-----	-----	Minnesota.....	277	158-160	-----
Idaho.....	478	-----	-----	Mississippi.....	1153	-----	-----
Illinois.....	480, 491	-----	-----	Missouri.....	244	209	-----
Indiana.....	533	-----	-----	North Carolina.....	1579	-----	-----
Iowa.....	559	244	158	North Dakota.....	277	243	-----
Kansas.....	560, 628	-----	-----	Oklahoma.....	1722, 1723	-----	-----
Kentucky.....	666, 668	-----	-----	Oregon.....	1768	-----	-----
Louisiana.....	673, 674	-----	-----	South Carolina.....	166	205	-----
Maine.....	677	-----	-----	Texas.....	2085	-----	-----
Massachusetts.....	680-682	-----	-----	Virginia.....	292	87	-----
Michigan.....	684	-----	-----	Railroads, standard work-day and rates of wages of employees on:			
Minnesota.....	705-707	-----	-----	United States.....	213	153, 154	-----
Mississippi.....	709, 710	-----	-----	Railroads, workmen's trains on:			
Montana.....	721	-----	-----	Massachusetts.....	952	-----	-----
Nebraska.....	722, 745	-----	-----	Railway mail cars:			
Nevada.....	756, 757	-----	-----	United States.....	2430	-----	-----
New Hampshire.....	793	-----	-----	Rates of wages of employees of public printing offices. (See Public printing office.)			
New Mexico.....	802, 803	-----	-----	Rates of wages of employees on public works:			
New York.....	806, 807	-----	-----	Arizona.....	197	-----	-----
North Carolina.....	813	-----	-----	California.....	289	244	73
North Dakota.....	845, 864	-----	-----	Hawaii.....	501	186	133
Ohio.....	873	244	177	Indiana.....	277	244	135
Oklahoma.....	950-952	-----	-----	Maryland.....	634	-----	-----
Oregon.....	1044, 1045	277	141, 142	Massachusetts.....	934	-----	-----
Pennsylvania.....	1047, 1048	-----	-----	Montana.....	1008	166	130, 131
Rhode Island.....	1053, 1083	-----	-----	Nebraska.....	1282	244	216
South Carolina.....	1100	-----	-----	Nevada.....	1327	-----	-----
South Dakota.....	1113-1115	-----	-----	New York.....	1476	213	92
Tennessee.....	1123	-----	-----	Oklahoma.....	1718, 1719	-----	-----
Texas.....	1148, 1150	213	81	United States.....	2437	-----	-----
Utah.....	1153, 1154	-----	-----	Rates of wages of laborers at salvage:			
Virginia.....	1161-1163	186	205, 206	Virginia.....	2156	-----	-----
Washington.....	1206-1209	244	209	Rates of wages of weavers, etc., to be posted:			
West Virginia.....	1243	-----	-----	Massachusetts.....	985	-----	-----
Wisconsin.....	1245, 1277	-----	-----	Recommendation, letters of. (See Employers' certificates; Service letters.)			
Wyoming.....	1311-1315	-----	-----	Reduction of wages, notice of. (See Wages, reduction of, notice of.)			
Zoo.....	1346	186	229	Registration of factories, etc. (See Factories, etc., registration of.)			
Zoo.....	1355	-----	-----	Rehabilitation of injured persons:			
Zoo.....	1433	186	249, 250	Alabama.....	292	19, 20	-----
Zoo.....	1551, 1554	244	247	California.....	277	59-61, 73	-----
Zoo.....	1556-1559	257	88				
Zoo.....	1572, 1573	-----	-----				
Zoo.....	1600, 1601	-----	-----				
Zoo.....	1678-1684	244	263				
Zoo.....	1691	-----	-----				
Zoo.....	1705, 1706	-----	-----				
Zoo.....	1772	-----	-----				
Zoo.....	1773, 1780	-----	-----				
Zoo.....	1944	-----	-----				
Zoo.....	244	-----	-----				
Zoo.....	312, 313	-----	-----				
Zoo.....	1983, 1984	-----	-----				
Zoo.....	1995-1997	166	204, 205				
Zoo.....	2008	213	137				
Zoo.....	2020, 2021	-----	-----				
Zoo.....	2083-2085	-----	-----				
Zoo.....	2089, 2090	-----	-----				
Zoo.....	244	-----	-----				
Zoo.....	335	-----	-----				



	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Seats for female employ- ees—Concluded.				Shuttles:			
California.....	279, 295	213	31	Massachusetts.....	982, 1000	257	93
Colorado.....	335	244	94, 95	Rhode Island.....			
Connecticut.....	408			Slave labor:			
Delaware.....	430-432	244	116	Nevada.....	1345		
District of Columbia..	456	166	30	Philippine Islands..	1939		
Florida.....	475			Sleeping rooms for work- men:			
Georgia.....	485, 489			California.....	291		
Idaho.....	534			Colorado.....	394		
Illinois.....	546, 568			Connecticut.....	401		
Indiana.....	630			Delaware.....	436		
Iowa.....	631, 647			Illinois.....	617		
Kansas.....	727, 740			Indiana.....	683		
Kentucky.....	772	244	173	Iowa.....	761		
Louisiana.....	830, 833	166	36	Maryland.....		166	100
Maine.....	848, 860	257	47	Massachusetts.....	943		
Maryland.....	883			Michigan.....		189	187
Massachusetts.....	917, 935	213	59	Missouri.....	1204		
Michigan.....	978			Nebraska.....	1281		
Minnesota.....	1065, 1070			New Jersey.....	1383, 1419	244	239
Missouri.....	1096	277	158	New York.....	1521	186	255
Montana.....	1163			Ohio.....		268, 271	
Nebraska.....	1164, 1180			Oklahoma.....	1650		
Nevada.....	1277	244	211	Oregon.....	1741		
New Hampshire.....	1292	277	183	Pennsylvania.....		186	318
New Jersey.....		244	223	Rhode Island.....	1827	186	352
New York.....	1359			Tennessee.....	1973		
North Carolina.....	1393, 1394			Texas.....	2059		
Ohio.....	1480, 1535	277	232	Utah.....	2186		
Oklahoma.....	1575			Vermont.....	2261		
Oregon.....	1648, 1649	277	257	Washington.....	2261		
Pennsylvania.....	1715, 1716	186	308	Wisconsin.....	2351		
Porto Rico.....		277	262	Wyoming.....			
Rhode Island.....		213	121	Smelting works, hours of labor in. (See Hours of labor in mines, smelters, etc.)			
South Carolina.....		1930	186	Smoking in factories, etc.:			
South Dakota.....		1962	277	Minnesota.....	1108		
Tennessee.....		1971	244	Nevada.....	1339		
Texas.....		2002		New York.....	1508	186	256, 257
Utah.....		2026		Pennsylvania.....		186	353
Vermont.....		2057		Vermont.....	2140		
Virginia.....		2103	390	Washington.....	2182		
Washington.....		2108		West Virginia.....		277	344
West Virginia.....		2157	396	Social insurance. (See Insurance, social.)			
Wisconsin.....		2216		Soliciting money from employees. (See Em- ployment, foremen, etc., accepting fees for furnishing.)			
Wyoming.....		2239	343	State, manufactures, etc., by:			
Service letters:		2277		Arizona.....		186	75, 76
California.....		2346	437, 438	Kansas.....		292	35
Indiana.....		244	86	North Dakota.....		277	239-241
Missouri.....		690	151	South Dakota.....		257	247
Nebraska.....		1160, 1161		United States.....		257	120, 121
Nevada.....		1292, 1293	183, 184	Statistics, industrial. (See Bureau of labor.)			
Oklahoma.....		1341	230, 231	Stay of execution in suits for wages. (See Suits for wages.)			
(See also Employ- ers' certificates, for- gery of; Discharge, statement of cause of.)		1721		Steam boilers, inspection of. (See Inspection, etc.)			
Set-offs not to defeat ex- emption of wages:				Steam boilers, negligence of operators of. (See Negligence, etc.)			
Alabama.....		154		Steam boilers, repairing, cleaning, etc.:			
Sex no disqualification for employment:				Oklahoma.....	1723		
California.....		261		Steam engineers, exami- nation, etc., of, digest of laws relating to...	140-143	186	10, 11
Illinois.....		541		Steamboats, employees on. (See Seamen.)	244		11
Washington.....		2191					
Shelters over railroad re- pair tracks. (See Rail- roads, shelters for work- men on.)							
Shipping masters:							
Florida.....		465, 471					
Louisiana.....		842, 843					
United States.....		2374-2379					
(See also Lodging houses, sailors; Seamen.)							



	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Steamboats, employment of unlicensed engineers on:				Strike, notice of, in ad- vertisements, etc., for laborers—Concluded.			
Alabama.....	157	-----	-----	Pennsylvania.....	186	333, 334	
Steamboats, inspection of. ( <i>See</i> Inspection, etc.)				Porto Rico.....	244	305	
Steamboats, negligence of employees on. ( <i>See</i> Negligence, etc.)				South Dakota.....	292	79, 80	
Stevedores:				Tennessee.....	2056	-----	424
Florida.....	470, 471	-----	-----	Wisconsin.....	186	-----	
Maryland.....	937, 938	-----	-----	( <i>See also</i> Employ- ment of labor, de- ception in.)			
Texas.....	2101-2103	-----	-----	Strikes, factory inspec- tors not to be concerned in:			
Stock, special, for em- ployees of corporations:				Kentucky.....	811	-----	
Massachusetts.....	946	166	141	Strikes of railroad em- ployees:			
New York.....	-----	277	228	Connecticut.....	398	-----	
Stockholders, liability of, list of laws determining	79	-----	-----	Delaware.....	429, 430	-----	
Stop watches ( <i>See</i> Effi- ciency tests, etc.)				Georgia.....	480	-----	
Street railways, examina- tion, etc., of employees on. ( <i>See</i> Examina- tion, etc.)				Illinois.....	557, 558	-----	
Street railways, hours of labor of employees on. ( <i>See</i> Hours of labor, etc.)				Kansas.....	767	-----	
Street railways, news- boys on:				Kentucky.....	813	-----	
Massachusetts.....	953	-----	-----	Maine.....	875, 876	-----	
Street railways, protec- tion of employees on. ( <i>See</i> Protection of em- ployees.)				Mississippi.....	1145	-----	
Street railways, rights and remedies of em- ployees on:				New Jersey.....	1402, 1403	-----	
South Carolina.....	1999	-----	-----	Pennsylvania.....	1785	-----	
Street railways, safety provisions on:				Texas.....	2094	-----	
California.....	273	-----	-----	Strikes, participation in, not to be bar to employ- ment:			
Connecticut.....	416	-----	-----	Minnesota.....	1097	-----	
Iowa.....	744-746	-----	-----	Texas.....	2074, 2075	-----	
Massachusetts.....	953	-----	-----	Strikes. ( <i>See also</i> Arbitra- tion of labor dis- putes; Conspiracy, la- bor agreements not; Home defense guards; Interference with em- ployment.)			
Montana.....	1277	-----	-----	Suits for injuries. ( <i>See</i> Injuries, etc.)			
New Hampshire.....	1360, 1361	-----	-----	Suits for wages:			
Ohio.....	1686	-----	-----	California.....	270	-----	
Vermont.....	2145	-----	-----	Colorado.....	346	-----	
Washington.....	2218	-----	-----	Georgia.....	487, 488	-----	
Wisconsin.....	2260	-----	-----	Idaho.....	522	186	138
Street railways, seats for employees on:				Illinois.....	538, 553	-----	
Connecticut.....	418, 419	186	121	Iowa.....	738	-----	
Louisiana.....	863	244	107	Kansas.....	773	-----	
Missouri.....	1163	-----	-----	Louisiana.....	844	-----	
New Jersey.....	1403	-----	-----	Massachusetts.....	967, 968	-----	
Ohio.....	-----	244	263, 264	Michigan.....	1051	-----	
Oregon.....	1766	-----	-----	Minnesota.....	1095	-----	
Vermont.....	2145	-----	-----	Mississippi.....	1153	-----	
Street railways, employ- ment of women on:				Missouri.....	1159	244	208
New York.....	-----	277	234	Montana.....	1236	186	209
Strike, notice of, in ad- vertisements, etc., for laborers:				Nebraska.....	1317, 1318	-----	
California.....	320, 321	186	85	New Jersey.....	1422	-----	
Colorado.....	364	-----	-----	New York.....	1559, 1560	186	254
Illinois.....	550, 551	-----	-----	North Carolina.....	1563	-----	
Maine.....	890	-----	-----	North Dakota.....	1590	186	297
Massachusetts.....	991	166	127	Ohio.....	1687-1689	186	305
		186	185	Oklahoma.....	1708	-----	
		213	72, 73	Oregon.....	1762, 1767	186	311
		257	57		277	-----	266
		292	48	Pennsylvania.....	1821-1824	-----	
Montana.....	1239	-----	-----		1828	-----	
New Hampshire.....	1372	244	225	Porto Rico.....	-----	244	306, 307
New York.....	-----	166	175	South Dakota.....	2015	-----	
Oklahoma.....	1720	-----	-----	Texas.....	2076, 2077	244	330
Oregon.....	1761	-----	-----	Utah.....	2110	-----	
				Vermont.....	-----	186	395
				Virginia.....	2156	-----	
				Washington.....	2179	-----	
				Wisconsin.....	2305	-----	
				Wyoming.....	2345	2346	-----
				( <i>See also</i> Payment of wages; Protection of wages; Wages as preferred claims.)			

	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Sunday labor:					Sweating system—Con.				
Alabama.....	159, 160				New Jersey.....	1391, 1392	244	237-239	
Alaska.....	187				New York.....	1487	186	259, 260	
Arizona.....		186	73			1516-1520			
Arkansas.....	232				Ohio.....	1553			
Colorado.....	327				Pennsylvania.....	1650, 1651			
Connecticut.....	402	244	110, 111			1839, 1840	186		339
	403, 414					1847, 1848			
Delaware.....	422, 424					1927, 1928			
Florida.....	431, 433				Tennessee.....		186	377, 378	
Georgia.....	470				Wisconsin.....	2263-2266			
Hawaii.....	490, 491	244	132, 133		Syndicalism. ( <i>See</i> Sa-				
Idaho.....	499	186	133		botage.)				
Illinois.....	523								
Indiana.....	539, 540				T.				
Iowa.....	664				Taxes of employees, lia-				
Kansas.....	744				bility of employers for.				
Kentucky.....	767				( <i>See</i> Liability of em-				
Louisiana.....	814				ployers, etc.)				
Maine.....	841	257	47		Telegraph operators,				
Maryland.....	876				hours of labor of. ( <i>See</i>				
Massachusetts.....	920				Hours of labor of em-				
	943, 944	213	73		ployees on railroads.)				
	960, 962	244	187		Telegraph operators, rail-				
		257	53		road, age of employ-				
Michigan.....	1046				ment, etc., of:				
Minnesota.....	1105, 1106				Arizona.....	212, 213			
Mississippi.....	1146				Colorado.....	343			
Missouri.....	1166				Georgia.....	479			
Montana.....	1238				Nebraska.....	1314			
Nebraska.....	1319	244	221		New York.....	1550			
Nevada.....		244	224		Wisconsin.....	2287			
		277	201		Telegraph, etc., wires				
New Hampshire.....	1357				crossing railroads,				
New Jersey.....	1404-1406	166	169, 170		height of. ( <i>See</i> Rail-				
		277	215, 216		road tracks, etc.)				
New Mexico.....	1434				Temporary laws, etc.,				
New York.....	1551, 1552	277	232		summary of.....	144-150			
North Carolina.....	1563-1565				Tenant factories:				
North Dakota.....	1590-1591	244	259		New York.....	1513-1515			
Ohio.....	1701	244	271		Tenement manufactures.				
Oklahoma.....	1706				( <i>See</i> Sweating system.)				
Oregon.....	1749	244	271		Tenements, workrooms				
Pennsylvania.....	1818				in, fireproofing of:				
Porto Rico.....	1958	166	199		California.....	321			
		244	307		Pennsylvania.....		186		339
Rhode Island.....	1987				Termination of employ-				
South Carolina.....	1996, 2006				ment. ( <i>See</i> Employ-				
South Dakota.....	2016				ment of labor; Employ-				
Tennessee.....	2032				ment, termination of,				
Texas.....	2090-2091				notice of.)				
Utah.....	2123, 2124				Thrashing machines,				
Vermont.....	2140				guards for. ( <i>See</i>				
Virginia.....	2160, 2161	213	147		Guards, etc.)				
		292	87		Threats. ( <i>See</i> Intimid-				
Washington.....	2181, 2184				ation.)				
West Virginia.....	2230				Time for meals or rest:				
Wisconsin.....	2309, 2310	186	422		Arizona.....	206			
		277	352		Arkansas.....		186		78
Wyoming.....	2347				California.....	269	213		31
United States.....	2430, 2435	244	380				244		94
		257	121		Delaware.....	445	244		115
( <i>See also</i> Weekly day					Indiana.....	647			
of rest.)					Iowa.....		186		161
Surgical, etc., appliances					Louisiana.....	848, 851, 859	213		53
to be furnished. ( <i>See</i>					Maine.....		186		181
Accidents, provisions					Maryland.....	915	213		55
for.)					Massachusetts.....	977	244		187
Suspension of labor laws.					Minnesota.....	1120, 1141			
( <i>See</i> Emergency sus-					New Hampshire.....	1370	186		237
pension, etc.)					New Jersey.....	1415, 1416			
Suspension of work, no-					New York.....	1512, 1533	166		182
tice of:							186		255
South Carolina.....	2008						277		232
Sweating system:					Ohio.....	1649, 1697	277		257
Connecticut.....	405				Oregon.....	1752	213		118, 119
Illinois.....	547, 548								122-127
Indiana.....	647, 648				Pennsylvania.....	1929			
Maryland.....	917-919	166	101-104		Washington.....		244		352
Massachusetts.....	982, 983				Wisconsin.....	2269	244		365
Michigan.....	1068, 1069				Wyoming.....		186		436
Missouri.....	1181, 1182								

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Time to vote to be allowed employees:				Toiletrooms, etc., for employees—Concluded.			
Alabama.....	165			New Jersey.....	1382	166	159, 160
Alaska.....		186	65, 66		1390, 1391	244	239-242
Arizona.....	206, 207			New York.....	1408, 1419		
Arkansas.....	246				1510-1512	166	178, 179
California.....	262				1515, 1526	186	184, 185
Colorado.....	328				1535		269-271
Illinois.....	541, 582						278, 283
Indiana.....	634					244	286
Iowa.....	719, 720					277	281
Kansas.....	768						293
Kentucky.....	809, 815			North Carolina.....	1579, 1580		
Maryland.....	897, 898			Ohio.....	1649, 1650	213	112, 113
Massachusetts.....	971, 1039				1669, 1670	277	249, 251
Minnesota.....	1095			Oklahoma.....	1717	277	262
Missouri.....	1169				1741-1743		
Nebraska.....	1280			Oregon.....		186	318
Nevada.....	1345					213	121
New Mexico.....	1441			Pennsylvania.....	1802	186	354-358
New York.....	1458	257	77		1803, 1827	244	291, 298
Ohio.....	1694				1865, 1866	277	276, 277
Oklahoma.....	1707				1898, 1930		
South Dakota.....	2010, 2011				1934, 1935		
Utah.....	2106	244	338	Rhode Island.....	1971	244	315
West Virginia.....	2229				1973, 1977		
Wyoming.....	2347			South Carolina.....	1994, 2002		
(See also Protection of employees as voters.)				South Dakota.....	2026		
Tips, receiving or giving:				Tennessee.....	2036	244	322
Arkansas.....	254				2037, 2059		
Georgia.....		257	35	Texas.....		186	389
Illinois.....		186	141, 142	Virginia.....	2164	166	210, 211
Iowa.....		186	168			213	145, 149
Massachusetts.....		257	55	Washington.....	2186, 2217	244	352
Mississippi.....	1152, 1153			West Virginia.....	2239	277	343, 344
South Carolina.....		186	374	Wisconsin.....	2261	186	432, 433
Tennessee.....		213	143, 144		2265, 2266		
Toilet rooms, etc., for employees:					2322-2325		
Alabama.....	161	186	63	Wyoming.....	2350, 2351		
		277	45	Trade-marks of mechanics:			
Alaska.....		186	67	New Jersey.....	1377		
		277	49	Wisconsin.....	2307		
Arizona.....		277	53	Trade-marks of trade-unions, etc., protection of.....		81-83	277
Arkansas.....		277	55, 56	Trade-marks of trade-unions. (See also Public printing, union label to be used on.)			
California.....	291	186	88	Trade-unions. (See Labor organizations.)			
		213	30, 31	Trading, coercion of employees in. (See Coercion.)			
		244	93, 94	Transportation of employees:			
Colorado.....	363, 394			California.....	263		
Connecticut.....	404, 412	277	89	Massachusetts.....	952		
Delaware.....	431	186	126	Trench construction, safety orders:			
	432, 436	244	115-117	California.....		213	39, 40
District of Columbia.....	456			Truck system. (See Company stores.)			
Florida.....	475			Tunnels. (See Compressed air, work in; Mines, etc.)			
Illinois.....	570, 571	277	108				
	589, 617			U.			
	623, 624			Unemployment, commission on, resolution as to.....	149		
Indiana.....	647, 683			Unemployment, committee to investigate:			
Iowa.....	740, 760	186	159	California.....		277	79
Kansas.....	804, 805	186	169			244	276
			170, 175				
		244	173, 174				
Kentucky.....	830, 833	292	39, 40				
Louisiana.....	860, 861						
Massachusetts.....	979, 982	166	141				
Michigan.....	1053						
	1067, 1088						
Minnesota.....	1096	277	146, 147				
			157-159				
Missouri.....	1179, 1182	186	207, 208				
	1211, 1212	244	209				
		277	166				
Montana.....	1247						
Nebraska.....	1281, 1298	277	188, 189				
New Hampshire.....		244	227				

	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Unemployment insurance. ( <i>See</i> Insurance, unemployment.)					<b>W.</b>				
Unemployment, provisions for:					Wage brokers:				
Idaho.....	186		135, 137		Colorado.....	350, 351	244	99, 100	
New Jersey.....	186		240, 241		Connecticut.....	277	277	83	
North Carolina.....	244		255		Delaware.....	434	277	88	
Pennsylvania.....	244		284, 285		Georgia.....	257	257	35	
Uniforms, influencing railroad employees not to wear. ( <i>See</i> Railroad employees, uniforms of.)					Illinois.....	621, 622	244	155	
Union label. ( <i>See</i> Public printing, union label to be used on; Trade-marks of trade-unions.)					Indiana.....	676, 677	213	51, 52	
Union newspapers, public advertising in:					Louisiana.....	862	292	43	
New Jersey.....	1402				Maine.....	244	244	181, 182	
<b>V.</b>					Maryland.....	257	186	51	
Vacations:					Michigan.....	1133, 1134	166	191-193	
Massachusetts.....	277		129		Mississippi.....	1246, 1247	186	145	
Vaccination of employees:					Montana.....	1287-1290	166	219-222	
Connecticut.....	407				Nebraska.....	1374-1376	166	153-155	
Maine.....	867				New Jersey.....	1458-1461	166	187-190	
Virginia.....	2155				New York.....	292	60, 61		
Vagrancy. ( <i>See</i> Labor, refusal to perform.)					Ohio.....	1672, 1673	186	301-304	
Ventilation of factories. ( <i>See</i> Factories and workrooms.)					Tennessee.....	244	244	322	
Ventilation of mines. ( <i>See</i> Mine regulations.)					Texas.....	186	386-388		
Vessels, inspection of. ( <i>See</i> Inspection, etc.)					Utah.....	244	244	335	
Vessels, loading, etc.:					Virginia.....	257	257	110	
California.....	272, 273				( <i>See also</i> Assignment of wages.)				
Vessels of American construction for ocean mail service:					Wages as preferred claims:				
United States.....	2364				Alabama.....	151			
Violation of contract. ( <i>See</i> Employment of labor.)					Alaska.....	186, 187			
Violence, advocacy of. ( <i>See</i> Sabotage.)					Arizona.....	207, 208			
Vocational education. Federal and State action as to.....					Arkansas.....	231, 233			
					California.....	270, 271	277	78	
Vocational rehabilitation. ( <i>See</i> Rehabilitation.)					Colorado.....	323			
Vocational training:					Connecticut.....	324, 348			
Arkansas.....	186		83		Delaware.....	397			
California.....	277		74-78		Georgia.....	427			
Delaware.....	244		124		Idaho.....	428, 433			
Indiana.....	702, 703				Illinois.....	432			
Iowa.....	277		119		Indiana.....	535, 538			
Kentucky.....	166		36		Idaho.....	540, 541			
Massachusetts.....	257		55-57		Illinois.....	535, 538			
New Jersey.....	1432		85, 86		Indiana.....	631, 632	244	159	
New York.....	1454-1458				Iowa.....	638, 639			
Pennsylvania.....	1918-1920				Kansas.....	738, 739			
Wisconsin.....	186		423		Louisiana.....	772, 773			
	244		366, 367		Maine.....	848			
Volunteer servants. ( <i>See</i> Employment of labor.)					Maryland.....	874			
Voters, protection of employees as. ( <i>See</i> Absent voters; Protection of employees, etc.)					Massachusetts.....	898, 899			
Voting by railroad employees, etc. ( <i>See</i> Railroad employees, etc., voting by.)					Massachusetts.....	947, 948			
Voting, time for. ( <i>See</i> Time to vote.)					Michigan.....	1050, 1052	186	108	
					Minnesota.....	1104			
					Missouri.....	1155			
					Montana.....	1159, 1160			
					Nebraska.....	1235-1237			
					Nevada.....	1279			
					New Hampshire.....	1321, 1322			
					New Jersey.....	1336-1338			
						1356			
						1373, 1374			
						1376, 1396			
						1397, 1403			
						1440			
					New Mexico.....	1454, 1478	166	182	
					New York.....	1563			
					North Carolina.....	1590			
					North Dakota.....	1687, 1688			
					Ohio.....	1747, 1748			
					Oregon.....	1766-1768	186	311	
					Pennsylvania.....	1786			
						1822-1824			
						1829			
					Philippine Islands.....	1949			
					Rhode Island.....	1986			
					South Dakota.....	2015			
					Texas.....	2076, 2077			
					Utah.....	2105, 2109			
						2110, 2123			

	Bulletin No. 148.		Bulletin.			Bulletin No. 148.		Bulletin.	
	Page.	No.	Page.			Page.	No.	Page.	
Wages as preferred claims—Concluded.					Wages, refusing to pay—Concluded.				
Vermont.....	2136, 2144	186	103 395		Oregon.....	244	272		
Washington.....	2180		290		Washington.....	2182			
West Virginia.....		277	344		(See also Suits for wages.)				
Wisconsin.....	2267, 2268				Wages, security for. (See Mechanics' liens; Protection of wages; Wages as preferred claims.)				
Wyoming.....	2304, 2305				Wages, suits for. (See Suits for wages.)				
United States.....	2330				Wages withheld as security:				
Wages, assignment of. (See Assignment of wages.)	2331, 2346				Louisiana.....	852			
Wages, attachment of. (See Attachment of wages.)	2406, 2407				Wages, withholding. (See Extortion; Forced contributions; Wages, refusal to pay.)				
Wages, combinations to fix:					Waiver of right to damages. (See Contracts of employees waiving right to damages.)				
Louisiana.....	850, 851				War emergency. (See Emergency.)				
Wages, deducting from, for benefit societies. (See Forced contributions.)					Wash rooms, water-closets, etc. (See Toilet rooms.)				
Wages, discounting. (See Payment of wages, modes and times of.)					Water for drinking, etc.:				
Wages due deceased employees. (See Payment of wages due, etc.)					Alaska.....	277	49		
Wages due from contractors. (See Liability of stockholders; Protection of wages.)					California.....	186	31		
Wages due from municipalities:						213	90		
Massachusetts.....	957, 968					244	94		
Missouri.....	1163				Delaware.....	244	117		
Wages due from predecessors, liability of railroad companies for:					Iowa.....	740			
Wisconsin.....	2280				Kansas.....	244	173		
Wages, exemption of. (See Exemption of wages.)					Massachusetts.....	960, 979	186	185	
Wages, garnishment of. (See Garnishment of wages.)					Missouri.....		186	207	
Wages, liability of stockholders of corporations for, list of laws determining.....	79				New Jersey.....		166	160	
Wages of employees on public works, retention of:						244	241		
California.....	274, 275				New York.....	1510	166	178	
Wages, payment of. (See Payment of wages.)					Ohio.....	1670	186	269, 282	
Wages, preference of. (See Wages as preferred claims.)					Pennsylvania.....	1930, 1935	186	355	
Wages, protection of. (See Protection of wages.)					Rhode Island.....		257	93	
Wages, rates of. (See Rates of wages.)					Weekly day of rest:				
Wages, recovery of. (See Suits for wages.)					California.....	276, 277			
Wages, reduction of, notice of:					Connecticut.....	422			
Missouri.....	1161				Maryland.....		213	61	
Texas.....	2086				Massachusetts.....	972, 973	213	76, 77	
Wages, refusing to pay:						1021, 1022			
California.....	275	277	63, 78		New York.....	1478	166	185	
Connecticut.....	407					186		254	
Indiana.....	639						277	232	
Minnesota.....	1107	186	201		Oregon.....		213	118, 119	
Montana.....	1242				Pennsylvania.....		186	122-127	
Nevada.....		277	203		Porto Rico.....		244	329, 330	
North Dakota.....		244	257				257	308	
					Texas.....		257	91	
					Wisconsin.....		186	392	
					United States.....		277	352	
					(See also Days of rest.)	2436	244	380	
					Weight that workmen may carry:				
					Porto Rico.....		244	305	
							257	91	
					Widows, employment of children of. (See Children of widows.)				
					Wife's earnings. (See Earnings of married women.)				
					Window cleaning, safety orders:				
					California.....		213	37	
					Wiping cloths or rags:				
					California.....	300, 301	244	91	
					Massachusetts.....	1019			



	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Women and children. (See Children and women.)				Women, hiring out to support husbands in idleness:			
Women, childbearing, employment, etc., of:				Louisiana.....	850		
Connecticut.....	424			North Carolina.....	1566		
Massachusetts.....	1000	292	50	Women, hours of labor of:			
Missouri.....		277	163	Arizona.....	205, 206	186	78-80
New York.....	1513			Arkansas.....		277	56
Vermont.....	2145	244	349	California.....	295	213	30
Women, employment of, commission on:						244	80, 92, 93
Illinois.....		244	154, 155	Colorado.....	395	277	64
Women, employment of, general provisions:				Connecticut.....	417, 418	244	109
California.....	261			Delaware.....	439, 440	244	86
Delaware.....	431-433			District of Columbia.....		166	115
District of Columbia.....			29, 30	Georgia.....	483		29, 30
Kansas.....	186		171-175	Idaho.....	534		
Kentucky.....	833, 834	166	94	Illinois.....	574		
Louisiana.....	848, 849	244	175	Kansas.....		186	171-175
Massachusetts.....	1018	166	125			244	174
		186	183	Kentucky.....	833		
Michigan.....		277	141, 143	Louisiana.....	859	213	53
Montana.....		277	174	Maine.....	869	186	181, 182
Nebraska.....	1291, 1292	277				277	124
New York.....		277	232-234	Maryland.....	905	213	55
North Dakota.....		244	258	Massachusetts.....	906, 915	971	186
Ohio.....	1648, 1649	277	257			972, 1000	213
Oklahoma.....		277	261, 262				257
Oregon.....		213	117-127	Michigan.....	1041, 1063	186	127, 128
Pennsylvania.....	1928-1933	186	266			277	196
			329	Minnesota.....			141, 143
			330, 359		1119		
Porto Rico.....		244	277, 278	Mississippi.....	1120, 1141	166	149
Vermont.....		277	284-287	Missouri.....	1175, 1176	277	165
		244	347, 348	Montana.....	1277	244	211
Washington.....		277	320	Nebraska.....	1292	186	217
Women, employment of, in canneries:		186	397, 398			277	183
California.....		213	29-32	Nevada.....		244	223
New York.....	1561	244	92-95	New Hampshire.....	1355	186	237, 238
Women, employment of, in dangerous, etc., occupations:					1370, 1371	244	229, 238
Louisiana.....	861			New Jersey.....	1422	292	54, 55
Minnesota.....	1130			New York.....	1494, 1495	166	182
Missouri.....	1179				1533, 1561	186	258
New York.....	1513	186	287, 288			244	248
		292	59			257	80, 81
Ohio.....	1653			North Carolina.....		277	232, 233
Pennsylvania.....		186	369	North Dakota.....	1593	277	242, 244
West Virginia.....	2238	244	298, 299	Ohio.....	1649	244	261
Wisconsin.....	2268-2271			Oklahoma.....		186	256, 257
Women, employment of, in mines:						277	307, 308
Arizona.....	201			Oregon.....	1755	277	261, 262
Ohio.....		277	257			186	311
Wisconsin.....	2271			Pennsylvania.....	1827, 1929	213	118-120
(See also Children and women.)				Porto Rico.....	1961	244	122-127
Women, employment of, in moving heavy weights:				Rhode Island.....	1984, 1985	186	272
California.....		213	32	South Carolina.....	2001, 2003	166	284
Massachusetts.....	1011, 1012	186	183	South Dakota.....	2025		367
Ohio.....	1018	213	114	Tennessee.....	2057, 2058	186	203
Women, employment of, (See also Children and women; Seats for female employees; Sex no disqualification for employment.)					2062, 2063		
				Texas.....	2103, 2104	186	379
				Utah.....	2130, 2131	186	380, 383
				Vermont.....	2145	244	389, 390
						277	313
				Virginia.....	2157, 2158	166	349
						277	320
				Washington.....		257	210
					2216	186	107, 110
				Wisconsin.....	2268, 2269	244	397, 398
				Wyoming.....		186	351
						244	368
						244	436
						244	370

	Bulletin No. 148.	Bulletin.			Bulletin No. 148.	Bulletin.	
	Page.	No.	Page.		Page.	No.	Page.
Women, married, earnings of. ( <i>See Earnings of married women.</i> )				Women, wages of—Con.			
Women, night work by:				Michigan.....	1041	277	138
Arkansas.....	186		78	Montana.....	277		174
Connecticut.....	418	244	109	North Dakota.....	277	243, 244	
Delaware.....	244	244	115	Porto Rico.....	277		284
District of Columbia..		166	29	( <i>See also Children and women; Minimum wages.</i> )			
Indiana.....	645			Women's Bureau:			
Kansas.....	244		174	New York.....	277		227
Maine.....	277	124		United States.....	292	99, 100	
Maryland.....	213		55	Women's exchanges, incorporation of:			
Massachusetts.....	972			Indiana.....	633		
Michigan.....	277		141	Woodworking, safety orders:			
Nebraska.....	1292	186	217	California.....		213	37, 38
New Hampshire.....	1370	244	230	Work, compulsory. ( <i>See Labor, requirement of.</i> )			
New York.....	1513, 1533	166	182	Workingmen's homes, commission on:			
		186	258	Massachusetts.....	1009, 1019		
		277	232, 233	Workingmen's trains. ( <i>See Transportation of employees.</i> )			
Pennsylvania.....	1929			Workmen's compensation, commissions on...			
Porto Rico.....	1961			Workrooms. ( <i>See Factories and workrooms.</i> )			
South Carolina.....	2003	166	203		149, 150		
Wisconsin.....	2269	244	368				
Women, wages of:							
California.....		213	29, 30				
		244	92, 93				
Louisiana.....		244	175				
Massachusetts.....	986, 1012	244	191				

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