

U. S. DEPARTMENT OF LABOR
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BUREAU OF LABOR STATISTICS
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BULLETIN OF THE UNITED STATES
BUREAU OF LABOR STATISTICS}

No. 434

LABOR LAWS OF THE UNITED STATES SERIES

LABOR LEGISLATION
OF 1926



MARCH, 1927

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON
1927

U. S. DEPARTMENT OF LABOR
BUREAU OF LABOR STATISTICS
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STAFFING SURVEY OF PROFESSIONALS

No. 434

BUREAU OF LABOR STATISTICS
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LABOR LEGISLATION
of 1936

ACKNOWLEDGMENT

This bulletin was compiled by Lindley D. Clark of the United States Bureau of Labor Statistics.

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REVIEW OF LABOR LEGISLATION OF 1926

INTRODUCTION

Legislative sessions were held in 1926 in 16 States, in 6 of which the session was special or extraordinary, besides the regular session of the Sixty-ninth Congress. No legislatures in extra session except those of Texas and Washington enacted labor legislation, nor did the Legislature of South Carolina in regular session. Owing to a change in its constitution, Maryland had no legislative session in 1926, but will have in 1927. An extraordinary session of the Legislature of Florida, held late in 1925, enacted a single statute requiring notice.

Except for a very few outstanding acts, the year's output is lacking in both volume and importance, the exceptions being the railway-labor act passed by Congress in conformity with the expressed agreement between the employers and employees affected, and the New Jersey statute regulating the issue of injunctions in labor disputes, though of the latter it may be said that it goes but a little way, if at all, beyond the court practice in several jurisdictions.

A standard law as to counter-floors in building operations in cities of the first and second class in Kentucky, a fire-escape law in Louisiana, and safety and sanitation amendments in Massachusetts and Rhode Island mark progress in these fields, as do woman and child labor laws in Louisiana, Rhode Island, and Virginia.

The obligations of contractors for wage and other debts were legislated upon in Kentucky and Louisiana, while Virginia revived and revised its laws as to the liability of railroad companies for injuries to their employees.

Mississippi repealed its antitipping law, leaving Illinois the only State now having a law on this subject, and its law is regulatory rather than prohibitive.

As was the case with Bulletin No. 403, Labor Legislation of 1925, the current bulletin is essentially a supplement to Bulletin No. 370, entitled "Labor Laws of the United States, with Decisions of Courts Relating Thereto," embodying all legislation under the head indicated, with the exception of workmen's compensation laws, up to the beginning of the year 1925. As in Bulletin No. 370 certain classes of laws were presented in brief or by a representative or typical law, so in the current bulletin the classification there adopted is retained. This results in two parts, one entitled "Digests and summaries of certain classes of laws affecting labor," and the other, "Text and

abridgment of labor laws." In Part II are to be found the laws of more specific interest and less generally standardized, though use is also made of representative laws, as in the case of laws regulating the employment of children and mine regulations, which are quite extensive and in which legislation has been closely formulated along lines generally accepted. It has also frequently occurred that the changes made by amendments of 1926 are briefly stated, instead of the entire section affected being reproduced.

A cumulative index provides references to this and the basic bulletin (No. 370), together with that for 1925.

As has been done for some years past, workmen's compensation legislation is treated separately and omitted from the general legislative bulletin. A new compilation of the laws on this subject has just been issued by this bureau (Bulletin No. 423).

TEXAS

FIRST CALLED SESSION—1926

[The acts of the first called session of the thirty-ninth Legislature of Texas were received too late for presentation in proper sequence. The only act classifiable as labor legislation is chapter 7, which provides for the appropriation of license fees from private employment agencies for the use of the commissioner of labor of the State in the enforcement of the labor laws and the performance of other duties devolving on said official.]

PART I.—DIGESTS AND SUMMARIES OF CERTAIN CLASSES OF LAWS AFFECTING LABOR

This part embraces such legislation as deals with the subjects presented in Bulletin No. 370 in the corresponding section. The same arrangement of matter is followed, except under the heading "Examination, licensing, etc., of workmen," where the items are arranged in alphabetical order. The introductory statements of Bulletin No. 370 continue to be applicable, and so are not here repeated.

VOCATIONAL EDUCATION

New York.—Ch. 505. Amends the education law of the State by adding a new article to be known as article 21-A: Vocational education and extension boards in counties. The duty of these boards is to make local surveys, employ necessary teachers, cooperate with existing public agencies in conducting vocational education and extension work in the counties, etc.

MOTHERS' PENSIONS

New Jersey.—Ch. 65. Amends sec. 5, ch. 281, Acts of 1913.

Rhode Island.—Ch. 867. Amends ch. 455, Acts of 1923.

EXAMINATION, LICENSING, ETC., OF WORKMEN

AVIATORS

Florida.—Ch. 11339. Provides for examination and licensing of "airmen," fee \$25. Licenses are issued by the State comptroller, no provision as to term.

See United States, ch. 344 (p. 20).

BEAUTY PARLORS

Louisiana.—No. 95. Amends No. 135, Acts of 1924, in minor details.

CHAUFFEURS

Louisiana.—No. 232, secs. 6, 7, 17. The highway commission is authorized to issue licenses to persons not less than 18 years of age on their passing such examination as may be deemed necessary. Annual renewals with a fee of \$5 are provided for. Licenses may be suspended after hearing for sufficient cause, and without hearing in cases of incompetency or intoxication, to be renewed only on proper examination, investigation, and proof.

Massachusetts.—Ch. 277. Amends sec. 33, ch. 90, G. L., by providing that persons who fail in their first examination for the issue or renewal of a chauffeur's license may, within 60 days, take one or more examinations on payment of a fee of \$1 each.

New York.—Ch. 512. Amends sec. 290-a, ch. 25, Con. L., added by ch. 360, Acts of 1924, relative to the suspension, revocation, and reissue of drivers' licenses.

PLUMBERS

Kentucky.—Ch. 123. Amends sec. 3037-f, Kentucky Statutes, throughout. Act applies to cities of first and second class. Boards of examiners are to be appointed by the mayor in every city and are to examine all applicants at designated times and places as to knowledge of plumbing, house drainage, and plumbing ventilation. Fees are \$5 and a like sum for renewal. The term of licenses is five years.

Massachusetts.—Ch. 319. Amends sec. 36, ch. 13, G. L., adding a provision for the appointment of an experienced plumber as executive secretary of the State board of examiners.

EMIGRANT AGENTS

Mississippi.—Ch. 118. Reenacts as part of the revised privilege license code of the State the language of ch. 94, Acts of 1912.

MECHANICS' LIENS

Kentucky.—Ch. 182. Requires any owner of property subject to lien who sells or mortgages the same before the time for filing the lien expires to pay in full from the receipts of the sale or loan all sums owing for labor or materials unless released in writing by the creditor.

Louisiana.—No. 209. Creates a lien in favor of owners of garages, etc., for repairs on motor vehicles, repealing earlier laws. Time for filing runs 90 days.

No. 251. Gives a lien to jewelers, watchmakers, etc., for repairs, inspection, or cleaning of jewelry, watches, and similar articles.

No. 298. Enacts a general law giving liens on real property for work done or material furnished, requires contracts for repair, reconstruction, or erection or construction of improvements on immoveable property to be written and recorded and bonds furnished and recorded, conditioned on the performance of the contract and the payment of laborers, subcontractors, and material men of all amounts due them. Conflicting laws are repealed.

Mississippi.—Ch. 150. Amends secs. 3058, 3059, Code of 1906 (secs. 2418, 2419, Hemingway's Code of 1917), by making their provisions apply to persons rendering architectural service in connection with the work mentioned.

New Jersey.—Ch. 250. Amends ch. 312, Acts of 1915, liens on motor vehicles.

Virginia.—Ch. 31. Amends sec. 6433 of the Code, reducing from 12 to 6 months the period within which suit may be brought to enforce a lien perfected under secs. 6427-6429.

PROTECTION OF WAGES OF EMPLOYEES, ETC., OF CONTRACTORS

Louisiana.—No. 271. Amends No. 224, Acts of 1918. Contracts for public works.

No. 298. *See* under Mechanics', etc., liens.

SUNDAY LABOR

Mississippi.—Ch. 277. Amends sec. 1366 (sec. 1102, Hemingway's Code) by adding garages and gasoline filling stations to the list of exempted businesses, and, in towns of less than 5,000 inhabitants, meat markets.

New York.—Ch. 835. Amends sec. 2153 of the penal law, which prohibits bartering on Sunday, by striking out the clause that exempted the village of Saratoga Springs during a part of the year and the city of New York during all the year from the operation of the law, making it now uniformly applicable throughout the State.

LEGAL HOLIDAYS IN THE STATES AND TERRITORIES

Kentucky.—Ch. 191, Lee's Birthday, January 19.

Washington.—Ch. 36. Armistice Day, November 11.

RIGHT OF ACTION FOR INJURIES CAUSING DEATH

Virginia.—Ch. 507. Amends sec. 5786 of the Code.

OLD-AGE PENSIONS

Kentucky.—Ch. 187. Counties may adopt the provisions of this act, which authorizes payments not to exceed \$250 per annum to persons 70 years of age, citizens of the United States for at least 15 years and residents of the State and county for at least 10 years immediately preceding the application for a pension. The plan may be abandoned after 1 year or more.

Professional beggars are barred, as is anyone in receipt of any pension which, added to earnings, gives an income of \$400 or more, or who has property worth \$2,500 or more, or income from any source in excess of \$400, or who is an inmate of any charitable institution, or who has deprived himself of property for the purpose of qualifying as an applicant for a pension, or who has a child or other person legally responsible for and able to give support.

On the death of any pensioner the amount paid may be recovered from any estate he may leave, with 3 per cent interest.

RETIREMENT OF PUBLIC EMPLOYEES

Massachusetts.—Ch. 289. Amends sec. 92, ch. 32, G. L., providing for the invalidity of any pledge, mortgage, sale, assignment, or transfer of any right or claim to any pension, annuity, or retirement allowance.

Ch. 300. Amends secs. 4 and 5, ch. 32, G. L., relating to the raising of funds for the State retirement system and the basis of service. The fund is on a contributory basis, with retirement at age of 60.

Ch. 378. Amends sec. 20, ch. 32, G. L., as to the definition of "employees" under the retirement law.

New Jersey.—Ch. 136. Amends ch. 109, Acts of 1921; permits extensions after 70.

New York.—Ch. 191. Amends ch. 59, Acts of 1912, establishing a contributory retirement and disability system for officers and employees of the State hospital system.

Chs. 280, 318, 684. Amend ch. 741, Acts of 1920; civil-service retirement law.

Ch. 476. Amends ch. 591, Acts of 1922; employees of counties, cities, towns, and villages.

United States.—Ch. 801 (44 Stat. 904). Amends act of May 22, 1920 (41 Stat. 614), increasing the deductions from wages and salaries of employees in the civil service from $2\frac{1}{2}$ per cent to $3\frac{1}{2}$ per cent, and the maximum retirement allowance from \$720 to \$1,000 per annum.

COOPERATIVE ASSOCIATIONS

New York.—Ch. 231. Enacts as ch. 77, Con. L., a cooperative corporations law, covering stock and nonstock producers', consumers', and marketing cooperative corporations.

Ch. 607. Amends secs. 19, 30, and 69 of ch. 77, Con. L., relative to powers and purposes of cooperative corporations and the liabilities of members.

Washington.—Ch. 99. Amends ch. 19, Acts of 1913.

CREDIT UNIONS

Massachusetts.—Ch. 273. Amends ch. 171, G. L., throughout. The act authorizes the acceptance of an assignment of wages as satisfactory collateral for a personal loan to a member in an amount not exceeding \$250.

INDUSTRIAL POLICE

New York.—Ch. 198. Amends sec. 88, ch. 49, Con. L., by adding express companies operating over steam railroads to the list of corporations which may apply to the superintendent of State police for the appointment of police for special service in protecting the property of the applying corporation.

ABSENT VOTERS

Kentucky.—Ch. 71. Proposes an amendment to the constitution (sec. 147), authorizing legislation to permit absent voting.

Massachusetts.—Ch. 38. Amends sec. 87, ch. 54, G. L., as to the form of application for ballots.

Virginia.—Ch. 260. Amends sec. 205 of the Code as to the duty of the registrar when ballot is applied for.

CONVICT LABOR

Kentucky.—Ch. 150. Provides for the employment of prisoners in the State prisons on highways, the procuring and preparing of road and bridge material, etc., for such roads as are under the direction of the State highway commission.

Ch. 151. Authorizes the purchase or lease of farm lands for the employment of convict labor or the labor of the inmates of the charitable and penal institutions.

Ch. 153. Amends secs. 1377, 1379-1, 1379-8, 1380, Kentucky Statutes, 1922 edition, as to sentences to hard labor and daily rate of working out fines (\$2 instead of \$1).

Louisiana.—No. 203. Authorizes the creation and maintenance of district prison farms by the authorities of two or more parishes for the employment of prisoners.

No. 290. Directs preference to be given the general manager of the State penitentiary in bids for road construction, to furnish for the penitentiary forces all highway work they may be able to do.

New Jersey.—Ch. 83. Goods made by convicts to be so marked before exposed for sale within the State, whether made within or without the State. Removing or concealing mark is an offense. (As to probable validity, see Bul. No. 390, pp. 118, 119.)

New York.—Ch. 606. Enacts Art. XV of the State department law, ch. 343, Acts of 1926, of which sec. 407 relates to a division of prison industries, with general supervision over all industries in the State prisons and reformatories.

Virginia.—Ch. 65. Amends secs. 2075, 2093, of the Code, relative to the employment of State and county convicts on the convict road forces; or if the work is to be done by contract, they may be employed on contract work under the care of the public authorities.

Ch. 426. Amends section 3061 of the Code, relative to the establishment of chain gangs in cities and towns.

CHILD-LABOR AMENDMENT TO UNITED STATES CONSTITUTION¹

Kentucky.—Ch. 345. Rejection.

Virginia.—Ch. 1. Rejection.

¹ At the end of the year 1926 the amendment had been ratified by the legislatures of 4 States, Arizona, Arkansas, California, and Wisconsin, and by 1 house, in New Mexico. It has been rejected by Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and West Virginia—33 States.

One house in Colorado, Iowa, and Wyoming indefinitely postponed action thereon.

PART II.—TEXT AND ABRIDGMENT OF LABOR LAWS

FLORIDA

EXTRAORDINARY SESSION—1925

[The only labor legislation of this State enacted at the extraordinary session of 1925 is noted in Part I: Ch. 11339, Examination, licensing, etc., of aviators.]

KENTUCKY

ACTS OF 1926

CHAPTER 124.—*Protection of employees on buildings—Cities of first and second class*

SECTION 1. *Counter-floors*.—In all cities of the first and second class of this Commonwealth, whoever being the owner, lessee, agent, factor, architect, constructor or contractor engaged in and having supervision, control or charge of the building, erection or construction of a block, building, or any other structure, neglects or refuses to place, or have placed, upon points of each story thereof as soon as joists are in position, counter-floors of such quality and strength as to render perfectly safe the going to and from thereon of all mechanics, laborers and other persons engaged upon the construction, supervision or placing materials thereon, shall be fined not less than twenty-five dollars nor more than two hundred dollars.

SEC. 2. *Separate offenses*.—Each day that such person, firm, contractor, constructor or corporation neglects or refuses to have such counter-floors so placed after notice, given by the safety inspector or his deputy of scaffolding and counter-floors in construction work, whether new or old, shall be a separate fine.

SEC. 3. *Scaffolding, etc.*.—Whoever employing or directing another to do or perform any labor in any erecting, improving, altering, repairing or painting any house, building, or other structure, knowingly or negligently furnishes, erects or causes to be erected for erection for and in the use of said labor unsuitable or improper scaffolding, hoists, stays, ladders or any other mechanical contrivance or structure used for such purpose, which will not give proper protection to life and limb of a person so employed or engaged, shall be fined not more than five hundred dollars or imprisonment not more than three months, or both.

SEC. 4. *Safety rails*.—If such scaffolding, or staging, as described in the next preceding section, swung or suspended from an overhead support or supports is more than twenty feet from the ground floor, it shall not be deemed to give proper protection to the life and limb and safety of persons employed or engaged thereon, unless, when in use, it has a safety rail rising at least thirty-four inches above the floor or main portion extending along the outside thereof, and properly attached thereto and same shall be provided with braces strong enough to sustain the weight of a man's body against it and to prevent such scaffolding or staging from swaying from the building or structure.

SEC. 5. *Inspector*.—In all the cities of the first and second class there shall be appointed by the mayor of the same, one chief safety inspector of scaffolding and counter-floors in construction work and such number of deputy inspectors as the general council or board of trustees of said city may designate; said safety inspector of scaffolding and counter-floors and deputy inspectors shall be appointed by the mayor and approved by the general council or board of trustees of said cities within ninety days after the discharge of this law for the term of one year from the first of May of the year of appointment and thereafter annually before the first of May; such inspector and deputy or deputies so appointed shall be paid from the treasury of said cities at such salaries as the authorities may designate.

SEC. 6. Rules.—The safety inspector of scaffolding and counter-floors in construction work and the deputy inspector or inspectors shall be under the supervision of the building inspection department of said cities. It shall be the duty of said building inspection department in conjunction with the safety inspector of scaffolding and counter-floors in all such construction work to formulate a code of rules regulating the safety of life and limb to employees engaged in building and other construction work on which building trade employees are engaged. After the said building inspection department in conjunction with the safety inspector of scaffolding and counter-floors in construction work has prepared its code of rules or any amendment or alterations thereof, the same shall be communicated to the general council or board of trustees of said cities in which the said safety inspector of scaffolding and counter-floors and construction work is appointed and acts and within ninety days after the same has been submitted to said council, or board of trustees, such body or bodies shall, by proper action either accept said rules and regulations and incorporate them as a part of the municipal law of such city or cities or by proper resolution expressly reject as a whole or in part the recommendations as made by said building inspection department and the safety inspector of scaffolding and counter-floors in construction work. In the event that the general council or board of trustees rejects the code of rules regulating the safety of life and limb to employees engaged in building and other construction work on which building trade employees are engaged as herein provided, then the general council or board of trustees of said cities must adopt other rules and regulations prescribing and regulating the safety of life and limb to the employees engaged in building and other construction work on which building trade employees are engaged in such cities and towns and in the event such code or rules are so made by the general council or board of trustees, the same shall be done and made within ninety days from the time of the rejection of such code or rules as submitting [submitted] by the building inspection department and the safety inspector of scaffolding and counter-floors.

SEC. 7. Duties.—It shall be the duty of the safety inspector of scaffolding and counter-floors in construction work to inspect the construction work both new as well as repair work to see that proper counter-floors are constructed; that proper scaffolding ladders, ropes or any other parts pertaining to such staging, rigging, scaffolding or other means used in such work are proper and conform to the requirements of the law and to enforce the provisions of this act. In a city of such a size as not to require full-time service of a safety inspector of scaffolding, a city employee serving in other capacities may be utilized for this work or the safety inspector may be given additional duties.

SEC. 8. Steel cables, when.—In all such scaffolding, rigging or staging that is used whereon there shall be placed any acids or any other substance which shall materially affect hemp, cotton or other rope, there shall be used only steel cables and of sufficient strength, which shall make any parties or persons engaged in labor thereon to be safe in life and limb.

SEC. 10. Scope.—The operation of this act shall apply only to cities of the first and second class of this Commonwealth.

Neither approved nor disapproved.

CHAPTER 183.—*Payment of wages, etc., from contractors' receipts*

SECTION 1. Use of funds.—When any payment shall be made by the owner of any property to any contractor, builder, architect or other person who shall build, repair or improve said property for another under such circumstances that a mechanic's or material men's lien may be imposed on said property, said contractor, builder, architect or other person shall from the proceeds of such payment pay to all persons who have furnished material or performed labor on said work, the full amount of said material or labor.

SEC. 2. Prorating.—If any payment by said owner to said contractor, builder, architect or other person is not great enough to pay in full all such bills for material and labor, then said contractor, builder, architect or other person shall, from such proceeds, pay said claims pro rata to the amount of the payment or payments made to him, unless otherwise agreed between said contractor, builder, architect or other person and the holder of such claim for material or labor.

SEC. 3. Exemption.—This act shall not apply in those cases where persons furnishing material or performing labor shall have waived in writing their right to file mechanic's or material men's liens on said property.

SEC. 4. Violations.—Any person or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50 nor more than \$1,000, or be imprisoned not less than one nor more than twelve months, or both so fined and imprisoned in the discretion of the jury.

Approved March 25, 1926.

Digests, etc.

[Other legislation is noted in Part I: Ch. 71, Absent voters; ch. 123, Examination, etc., of plumbers; chs. 150, 151, 153, Convict labor; ch. 182, Mechanics', etc., liens; ch. 187, Old-age pensions; ch. 191, Legal holidays; ch. 345, Child-labor amendment.]

LOUISIANA

ACTS OF 1926

No. 38.—*Removing property of laborers or tenant at night*

SECTION 1. Removal unlawful.—It shall be unlawful for any person or persons to go on the premises or plantations of any citizen of this State, in the night time or between sunset and sunrise, and move or assist in moving any laborer or tenant or the effects or property of any laborer or tenant therefrom, without the consent of the owner or proprietor of said premises or plantation.

SEC. 2. Exception.—The provisions of this act shall not be construed to apply to the discharge of a civil or military order.

SEC. 3. Penalty.—Any person found guilty of violating the provisions of this act shall upon conviction be punished by a fine of not less than fifty dollars nor more than one thousand dollars or imprisonment in the parish jail for a term of not less than ten days nor more than six months or both at the discretion of the court.

Approved June 26, 1926.

No. 76.—*Payment of wages, etc., by contractors*

SECTION 1. Defalcation a misdemeanor.—Any contractor or subcontractor who shall default on any contract for the construction, erection, or repair of any building, structure or other improvement and who shall have applied any money received on account of said contract to any other purpose than the settlement of claims for material and labor due or to become due thereunder shall be guilty of a misdemeanor.

SEC. 2. Penalty.—Any person convicted of a violation of this act shall be sentenced to not less than thirty (30) days nor more than six (6) months in the parish jail and shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) and in default of fine shall serve not less than thirty (30) days and not more than six (6) months additional.

SEC. 3. Definitions.—The term "contractor" and "subcontractor," as used in this act, are hereby defined to include every person, firm, corporation or association, their agents and officers.

Approved July 2, 1926.

No. 176.—*Employment of women and children*

[This act amends the title and secs. 2, 4, 6, and 10 of No. 301, Acts of 1908 as amended 1914 and 1916.

Section 2 provides for the issuance of employment certificates by the superintendents of public schools in the various parishes, except in the parish of Orleans where a factory inspector is to issue such certificates. Certificates are required by children 14 to 16 years of age desiring to be employed. A statement of purpose to employ must be presented, duly signed by the prospective employer, together with specified kinds of proof of age, and a medical certificate as to physical qualifications. No person may issue a certificate for employment in an establishment owned by him, or by a firm or corporation

of which he is a member; the form is to be as prescribed by the commissioner of labor. Persons issuing such certificate may administer oaths, but may charge no fee therefor.

Sections 4 and 6 are amended so as to read as follows:]

SEC. 4. *Hours of labor.*—No child or person between the age of fourteen and sixteen years, shall be employed in any of the places and industries enumerated in section 1 of this act for a longer period than eight hours per day, or forty-eight hours per week. There shall be one hour allowed each day for dinner, but such dinner time shall not be included as part of the working hours of the day. In case two-thirds of the employees so desire, time for dinner may be reduced at their request to not less than thirty minutes. Any violation of this provision shall be punishable by a fine of not less than \$25 nor more than \$50, or by imprisonment in the parish jail (parish prison in New Orleans) for not less than 10 days nor more than 6 months or both, in the discretion of the court.

No child or person between the age of sixteen and eighteen years, and no woman shall be employed in any of the places and industries enumerated in section 1 of this act for a longer period than ten hours per day or 60 hours per week. There shall be one hour allowed each day for dinner, but such dinner time shall not be included as part of the working hours of the day. In case two-thirds of the employees so desire time for dinner may be reduced at their request to not less than thirty minutes: *Provided*, That this shall not apply to persons working in stores and mercantile establishments on Saturday nights in which more than five persons are employed. Any violation of this provision shall be punishable by fine of not less than \$25 nor more than \$50, or by imprisonment in the parish jail (parish prison in New Orleans) for not less than 10 days nor more than 6 months, or both, in the discretion of the court.

SEC. 6. *List to be kept.*—(a) No person, firm or corporation shall employ, permit or suffer any child between fourteen and sixteen years of age to work in all places of business or establishments or occupations enumerated in section 1 of this act, unless such person, firm or corporation procures and keeps on file for the inspection of the officials charged with the enforcement of this law, an age and employment certificate as hereinabove provided, for every such child; and unless such person, firm or corporation keeps on file for the inspection of the officials charged with the enforcement of this law a complete list of all such children between the ages of fourteen and sixteen years employed by such person, firm or corporation.

(b) On the termination of the employment of a child between fourteen and sixteen years of age, the age and employment certificate hereinabove provided for shall be returned by the employer holding the same to the officer by whom it was issued within three days after the termination of the employment of the child.

(c) Any violation of the provisions of this section shall be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment in the parish jail (parish prison in the City of New Orleans) for not less than 10 days nor more than 6 months, or both, in the discretion of the court.

[Section 10 provides penalties for any employer refusing or hindering inspection, or hiding any child or assisting his escape or warning any child, young person or woman of the approach of an inspector.]

Approved July 10, 1926.

No. 238.—*Employment of women and children*

[This act amends sec. 23, ch. 301, Acts of 1908, as amended 1912, by providing that the factory inspector's salary, instead of being \$1,200 per annum by legislative act, shall be fixed by the commission council of the city of New Orleans.]

No. 246.—*Contractors' right to bond claims*

SECTION 1. *Right declared.*—When any contractor shall have entered into a contract to do or perform private works of every kind and nature under the laws of this State governing the letting and awarding of such contract and in conformity with the requirements thereof, such contractor shall have the right to bond any claim or claims which may be filed or recorded against said work by depositing with the clerk of court of the parish in which such claims are

filed or recorded a good and solvent surety bond signed by any surety company authorized to do business in the State of Louisiana, for an amount equal to the claim plus one-fourth, said bond to be approved by the clerk of court conditioned that in the event the legality of such claim or claims is established by suit or otherwise as provided by law, that said bond shall remain in full force and effect to protect the interest of the claimant in the premises.

Approved July 14, 1926.

No. 248.—*Contractors' right to bond claims*

[This act makes provision for contracts to do or perform public works, similar to that of No. 246 for private works.]

No. 300.—*Factory, etc., regulations—Fire escapes*

SECTION 1. *When fire escapes required.*—Every building already erected or that may be hereafter erected three or more stories in height occupied in whole or in part as a store, workroom or office building * * * and every building more than two stories in height occupied in whole or in part as a factory, manufactory, mill, work shop or repair shop, * * * shall be provided with such good and sufficient exits, stairways, suitable inclosures and other means that will afford safe and ample means of egress in case of fire or panic. Compliance with the requirements of the building exits code approved by the American Engineering Standards Committee shall be considered as meeting the requirements of this act.

SEC. 2. *Construction.*—[This section prescribes details of material, dimensions, strength, etc., of exterior escapes.]

SEC. 3. *Supervision.*—[The State fire marshal is to direct the installation of such fire escapes, specifications for which must have his approval prior to the construction.]

SEC. 4. *Interior escapes.*—[If exterior escapes can not be constructed without trespassing on the property of adjacent owners, and permission is by them refused, interior fireproof means of egress must be furnished, located and erected under the direction of the State fire marshal. If neither form can be provided, it is the duty of the marshal to notify the owner or owners to discontinue the occupancy of the building for such purposes as make it amenable to the provisions of this act.]

SEC. 5. *Repairs.*—[Buildings under the act may not be altered, repaired, or remodeled before plans for fire exits have been submitted to the marshal and approved by him.]

SEC. 6. *Penalties.*—[Owners violating this law are liable to a fine of \$100 to \$500 or imprisonment for 30 days to 12 months, or both fine and imprisonment, together with liability for damages in case of personal injury or death, the result of fire or panic.]

Approved July 15, 1926.

No. 318.—*Payment of wages in scrip*

SECTION 1. *Use of trade checks.*—It shall be unlawful for any person, firms, or corporation whether acting for themselves or as agents of any person, firm, or corporation to issue any coupon, trade check, punchout ticket, token, or other device to any laborers in payment of wages redeemable wholly or partly in merchandise at any place of business.

SEC. 2. *Payment in cash.*—It shall be unlawful for any person, firm, or corporation or agents of any such person, firm, or corporation to pay any laborer or laborers for work or services performed in anything except current money of the United States, or check, or draft on a bank.

SEC. 3. *Penalty.*—[Violations are punishable by a fine, \$100 to \$500, or imprisonment 10 to 30 days, or both.]

Approved July 16, 1926.

Digests, etc.

[Other acts are noted in Part I: No. 95, Examination, etc., of cosmetic therapists; Nos. 203, 290, Convict labor; Nos. 209, 251, 298, Mechanics', etc., liens; No. 232, Examination, etc., of chauffeurs; No. 249, Legal holidays; No. 271, Protection of wages, etc., of contractors' employees.]

MASSACHUSETTS

ACTS OF 1926

CHAPTER 159.—*Factory, etc., regulations—Ventilation*

[This act amends sec. 117, ch. 149, G. L., so as to read as follows:]

SECTION 117. *Ventilation*.—A factory where five or more persons and a workshop where five or more women or children are employed shall, while work is carried on therein, be so ventilated that the air shall not become so impure as to be injurious to the health of the persons employed therein. A factory or workshop where more than one person is employed shall be so ventilated that all gases, vapors, dust or other impurities injurious to health, generated in the course of the manufacturing process or handicraft carried on therein, shall so far as practicable be rendered harmless.

Approved March 26, 1926.

CHAPTER 291.—*Inspection of steam boilers*

[This act amends sec. 22, ch. 146, G. L., so as to read as follows:]

SECTION 22. *Fees*.—The owner or user of a boiler inspected by the division shall pay to the commissioner ten dollars for each boiler internally and externally inspected, and two dollars for each visit for external inspection under steam, and five dollars for each cast-iron sectional boiler inspected. The commissioner shall pay to the Commonwealth all sums so received.

Approved April 29, 1926.

CHAPTER 375.—*Hours of labor on public works*

[This act provides for the extension of the water supply of the metropolitan water district. The first sentence of section 2 reads as follows:]

SECTION 2. *Waivers*.—In contracts entered into by the commission for the construction of the works herein authorized, there may be inserted a provision that the commission or any contractor or subcontractor for the commission may employ laborers, workmen and mechanics for more than eight hours in any one day and for more than forty-eight hours in any one week in such construction, when, in the opinion of the commissioner of labor and industries, public necessity so requires.

Digests, etc.

[Other laws are noted under Part I: Ch. 38, Absent Voters; ch. 273, Credit unions; ch. 277, Examination, etc., of chauffeurs; ch. 289, 300, 378, Retirement of public employees; ch. 319, Examination, etc., of plumbers.]

MISSISSIPPI

ACTS OF 1926

CHAPTER 118.—*Boarding or commissary cars—Taxation*

[This is a provision of the Privilege License Code as revised 1926. The language is the same as found in ch. 91, Acts of 1916 (Bul. No. 370, p. 603).]

CHAPTER 189.—*Inspector of factories*

[This act amends sec. 7, ch. 163, Acts of 1914, striking out the clause exempting woodworking establishments and canneries packing farm produce, and makes the law apply to establishments employing five or more employees instead of more than five.]

CHAPTER 341.—*Inspector of factories*

[This act increases the salary of the State factory inspector from \$1,500 to \$3,000 per annum.]

CHAPTER 348.—*Tips to employees of hotels, etc.*

[This act simply repeals ch. 136, Acts of 1912 (secs. 3235-3239, Hemingway's Code of 1917), which forbade the giving or receiving tips in hotels, restaurants, etc., and on railroad trains.]

Digests, etc.

[Other legislation is noted in Part I, as follows: Ch. 118, Emigrant agents; ch. 150, Mechanics', etc., liens; ch. 277, Sunday labor.]

NEW JERSEY

ACTS OF 1926

CHAPTER 207.—*Injunctions in labor disputes*

SECTION 1. *Issue regulated.*—No restraining order or writ of injunction shall be granted or issued out of any court of this State in any case involving or growing out of a dispute concerning terms or conditions of employment, enjoining or restraining any person or persons, either singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from peaceably and without threats or intimidation recommending, advising or persuading others so to do; or from peaceably and without threats or intimidation being upon any public street or highway or thoroughfare for the purpose of obtaining or communicating information, or to peaceably and without threats or intimidation persuade any person or persons to work or abstain from working, or to employ or to cease to employ any party to a labor dispute, or to peaceably and without threats or intimidation recommend, advise or persuade others so to do, provided said persons remain separated one from the other at intervals of ten paces or more.

Approved March 29, 1926.

Digests, etc.

[Other legislation is noted in Part I: Ch. 65, Mothers' pensions; ch. 83, Convict labor; ch. 136, Retirement of public employees; ch. 250, Mechanics', etc., liens.]

NEW YORK

ACTS OF 1926

CHAPTER 304.—*Employment of labor—Time for meals*

[This act adds a new subdivision to sec. 162, as follows:]

SECTION 1-a. Every person employed in or in connection with a factory, for a period or shift covering at least three hours before and three hours after midnight, shall be allowed at least twenty minutes for a meal at a time approximately midway between the beginning and end of such night employment.

Became a law April 12, 1926.

CHAPTER 427.—*Department of labor*

[This act adds a new article, to be known as "Article X, Department of Labor," to the State departments law, as follows:]

SECTION 290. *Department of labor; industrial commissioner.*—There shall be in the State government a department of labor. The head of the department shall be the industrial commissioner, who shall be appointed by the governor, by and with the advice and consent of the senate, and hold office until the end of the term of the governor by whom he was appointed, and until his successor is appointed and has qualified. The present industrial commissioner shall be the head of such department and shall hold office until the expiration of his present term and until his successor is appointed and has qualified. If prior to the expiration of such present term a vacancy shall occur or exist in the office of the industrial commissioner it shall be filled by appointment by

the governor, by and with the advice and consent of the senate, for a term expiring with that of the governor by whom the appointment was made. The industrial commissioner shall receive an annual salary of twelve thousand dollars.

SEC. 291. *Powers and duties.*—There are hereby transferred to the department of labor all the functions of the department of labor, as now existing, and of the industrial commissioner, industrial board and industrial council; and all their powers and duties, as now prescribed by law, whether in terms vested in such department, the industrial commissioner, the industrial board, the industrial council, or in any division, bureau or office in such department, are hereby transferred to the department of labor and hereafter shall be exercised and performed therein by or through the industrial commissioner or the appropriate division, bureau, board, council, or officer, as prescribed by or pursuant to law.

SEC. 292. *Organization.*—The organization of the existing department of labor is continued, except as provided by this article and except as it may be changed pursuant to law.

SEC. 293. *Industrial board.*—There shall be in the department the industrial board now provided for in the labor law. It shall have the powers and duties prescribed by such law, except as otherwise provided in this article. It shall be constituted and appointed as provided in such law, except that hereafter it shall consist of five members instead of three. The present members shall continue in office until the expiration of their present terms, and until their successors are appointed and have qualified. Of the two additional members provided for by this section, one shall be a person known to represent the interest of employers and one known to represent the interest of employees. Appointments to such board hereafter made shall be made in such manner that, as soon as practicable hereafter, there shall be at least two members of such board who shall be persons known to represent the interest of employers, at least two who shall be persons known to represent the interest of employees and one who shall be an attorney and counselor at law duly admitted to practice in this State. The terms of members of such industrial board shall continue for six years, but the additional members shall be appointed in such manner that their terms will expire, one on January first, nineteen hundred and twenty-nine, and one on January first, nineteen hundred and thirty-one. Each member of such industrial board shall receive an annual salary of eight thousand five hundred dollars.

SEC. 294. *Industrial council.*—There shall be in such department the industrial council, constituted in the manner and with the powers and duties provided for by section ten-a of the labor law. The members of the present industrial council shall continue in office as such until their successors are appointed and have qualified.

SEC. 295. *Industrial code.*—The industrial board may continue to adopt, amend or repeal rules constituting the industrial code, as provided by section twenty-nine of the labor law, but at least three affirmative votes shall be necessary for the adoption, amendment, or repeal of any such rule, and hereafter a new rule or an amendment or repeal of such a rule shall not be effective unless and until approved by the industrial commissioner.

SEC. 296. *Application of labor law and workmen's compensation law.*—The provisions of the labor law and of the workmen's compensation law in their application to the existing department of labor, the industrial commission, the industrial board, the industrial council, and the divisions, bureaus and officers of such department, in so far as they are not inconsistent with this article, shall apply to the department of labor, provided for in this article, and to the industrial commissioner, industrial board, industrial council, and to the divisions, bureaus and officers in such department.

Became a law April 16, 1926.

CHAPTER 706.—Employment of labor—Trade secrets

[This act adds a new section to art. 50 of the penal law of the State, as follows:]

SECTION 554. *Information obtained in course of employment.*—Any person who, having obtained or derived information in the course of his employment, from the books of account or from records, papers or files belonging to or in the custody of his employer, publishes, circulates or in any other manner

discloses such information without the consent of such employer, or threatens so to do, or aids or encourages such publication, circulation or disclosure, or threatens to aid or encourage the same, and any person who, knowing or having reason to believe that such information was so obtained or derived, publishes, circulates or in any other manner discloses such information without the consent of such employer, or threatens so to do, or aids or encourages such publication, circulation or disclosure, or threatens to aid or encourage the same, is guilty of a misdemeanor.

Became a law April 30, 1926.

Digests, etc.

[Other legislation is noted in Part I: Chs. 191, 280, 318, 476, 684, 687, Retirement of public employees; ch. 198, Industrial police; chs. 231, 607, Co-operative associations; ch. 505, Vocational education; ch. 512, Examination, etc., of chauffeurs; ch. 546, State police; ch. 606, Convict labor; ch. 835, Sunday labor.]

RHODE ISLAND

ACTS OF 1926

CHAPTER 761.—*Factory, etc., regulations*

[This act amends sec. 9, ch. 85, General Laws, so as to read as follows:]

SEC. 9. *Provisions for safety and sanitation.*—It shall be the duty of the proprietor of any factory or workshop to provide adequate means of egress in case of fire or other disaster; to locate belting, shafting, gearing, elevators, drums and machinery in such manner as to be sufficiently guarded and not dangerous to employees; to provide proper safeguards for all vats, pans or structures filled with molten metal or hot liquid so as to prevent accident or injury to persons employed at or near such vats, pans or structures; to provide adequate heating, lighting, ventilating and sanitary arrangements for such factory or workshop so that such heating, lighting, ventilation or sanitation shall not be injurious to the health of persons employed therein. If any of the factory inspectors shall find that the provisions of this section have been violated, any one of said factory inspectors shall in writing notify the proprietor of such factory or workshop to make the necessary changes immediately or, if such changes require alteration of fixtures or equipment, to make the necessary alterations within a period of sixty days or within such fixed time as in the judgment of the chief factory inspector is necessary for such alterations or changes. If such changes, alterations or additions are not made within the time so fixed, such proprietor shall be subject to the penalties imposed for violations of this chapter, subject, however, to the right of appeal as hereinafter provided.

[A new section is also added, as follows:]

SEC. 34. *Exits.*—The proprietor of any factory or workshop shall at all times maintain a free and unobstructed approach to all fire-escape exits at such factory or workshop.

Approved March 26, 1926.

CHAPTER 785.—*Inspection of steam boilers*

[This act amends sec. 2 of ch. 94, General Laws, by making the term of the deputy inspector six years, and until his successor shall be appointed and qualified, the same as the inspector, instead of during the pleasure of the governor, as formerly.]

CHAPTER 812.—*Employment of children*

[This chapter amends sec. 1, ch. 76, General Laws, relative to compulsory school attendance, but does not change the requirement as to attendance until 16 unless 15 years of age and lawfully employed.]

It also amends clauses 1, 2, 4, 6, 11, and 12 of sec. 1, ch. 86, General Laws, as amended 1923, ch. 482, relative to age and employment certificates.

Clause 1 now reads as follows:]

SECTION 1. Clause 1 (as amended 1926, ch. 812). *Age; night work.*—No child under sixteen years of age shall be employed or permitted or suffered to work in any factory or manufacturing or business establishment within this State between the hours of eight o'clock in the afternoon and six o'clock in the forenoon of the following day; and, except as provided in clause 12 of this section, no child under fifteen years of age shall be employed or permitted or suffered to work in any factory or manufacturing or business establishment within this State.

[Clause 2 is amended by requiring the completion of a course of instruction equivalent to the elementary studies taught in 8 years of school attendance, instead of 6 years as formerly.

The amendments to clause 4 make the contents of the age and employment certificate correspond with the advanced age and schooling requirements of clauses 1 and 2.

The amendment to clause 6 declares the commissioner of education to be the issuing authority, instead of the secretary of the State board of education.

Clause 11 now reads as follows:

CLAUSE 11. *Subnormal children.*—In case any child whose age has been proved in the manner provided in this chapter to be at least fifteen years is, in the opinion of the superintendent of schools of the town in which such child resides, mentally incapable of acquiring the educational qualifications herein prescribed, and in any case in which, in the opinion of said superintendent, the interests of the child will best be served thereby, the superintendent of schools may suspend such educational requirement: *Provided*, That the superintendent shall note such suspension and his reason for it over his signature on the reverse side of the age and employment certificate issued for such child.

[Clause 12, relative to the issue of limited certificates to children 14 years of age, strikes out the provision that applicants must comply with all the requirements of this chapter, and excludes Sundays and legal holidays as times of legal employment under such certificates.]

Approved April 26, 1926.

CHAPTER 845.—*Employment of children in certain occupations forbidden*

[This chapter amends sec. 4, ch. 142, General Laws, which forbids the employment of children under 16 in mendicant or acrobatic occupations, theatrical, etc., exhibitions, injurious or dangerous vocations and the like, by striking out the clause permitting such employment on permits obtained from a mayor or president of a town council. A proviso permits nonresident children to appear in dancing, theatrical or musical performances, if accompanied by a parent, guardian or tutor, and having a permit from the mayor of the city or president of the town council.]

Digests, etc.

[Other legislation is noted under Part I: Ch. 765, Beauty parlors; ch. 841, Apprenticeship; ch. 867, Mothers' pensions; ch. 873, Retirement of public employees.]

VIRGINIA

ACTS OF 1926

CHAPTER 380.—*Insurance of employees*

SECTION 1. *Corporations may insure.*—(a) Any corporation organized under the laws of this State may, when authorized by its board of directors or its executive committee, cause to be insured, for its benefit, the life of any of its directors, officers, agents or employees, and to pay the premiums for such insurance; and may continue to pay such premiums after the insured shall cease to be such a director, officer, agent or employee of such corporation.

(b) Due authority for such corporation to effect, assign, release, convert, surrender, or take any other action with reference to such insurance, shall be sufficiently evidenced to the insurance company by a certificate to that effect by the secretary, or other corresponding officer of such corporation, under its corporate seal. Any such certificate shall protect the insurance company for any act done or suffered by it upon the faith thereof, without further inquiry

into the validity of the corporate authority or the regularity of the corporate proceedings. The beneficiary in such a policy shall not be changed except with the consent of such corporation, beneficiary, effecting such insurance.

(c) No person shall, by reason of interest in the subject matter, be disqualified from acting as a director, or as a member of the executive committee of such corporation on any corporate act touching such insurance.

(d) The provisions of this act shall not affect the right of the party insured under the act to secure insurance for himself and in his own behalf, and no statement or omission in any application for such insurance in so far as it relates to the insurance provided for in this act shall affect the validity of his policy.

Approved March 24, 1926.

CHAPTER 503.—*Liability of railroad companies for injuries to employees*

[This act amends and reenacts sec. 1294k, Code of 1904, omitted by the revision of the Code of 1919, and thereby repealed. The section now reads as follows:]

SECTION 1294k.—*Liability declared.*—Every corporation operating a railroad in this State, whether such corporation be created under the laws of this State or otherwise, shall be liable in damages for any and all injury sustained by any employee of such corporation as follows:

When such injury results from the wrongful act, neglect or default of an agent or officer of such corporation superior to the employee injured, or if a person employed by such corporation having the right to control or direct the services of such employee injured, or the services of the employee by whom he is injured; and also when such injury results from the wrongful act, neglect or default of a coemployee engaged in another department of labor from that of the employee injured or of a coemployee (notwithstanding the fact that the party injured had the right to direct the services of the coemployee) in the performance of any duty on or about the same or another train of cars, or on or about an engine, or of a coemployee who has charge of any switch, signal point or locomotive engine, or who is charged with dispatching trains or transmitting telegraphic or telephonic orders. And when it shall appear in the evidence at the trial of any action for damages that the accident occurred while the employee was working on an engine or on a car standing upon a track it shall be no defense to such action for the defendant railroad to show that such engine or car was guarded by a derailler or a blue flag or in any other manner. Knowledge by any employee injured of the defective or unsafe character or condition of any machinery, ways, appliances or structures of such corporation shall not of itself be a bar to recovery for any injury or death caused thereby. When death, whether instantaneous or otherwise, results from any injury to any employee of such corporation received as aforesaid, the personal representatives of such employee shall have a right of action therefor against such corporation and may recover damages in respect thereof. Any contract or agreement, express or implied, made by any such employee to waive the benefit of this section or any part thereof shall be null and void, and this section shall not be construed to deprive any such employee or his personal representative of any right or remedy to which he is now entitled under the laws of this State.

The provisions of this act shall always be so restricted in their application as not to conflict with any of the provisions of the Constitution or laws of the United States and as if the necessary limitation upon their interpretation had been herein expressed in each case.

Approved March 25, 1926.

CHAPTER 538.—*Employment of women—Hours of labor*

[This act amends section 1808 of the Code so as to read as follows:]

SECTION 1808. *Ten-hour day.*—No female shall be employed, suffered, or permitted to work in any factory, workshop, laundry, restaurant, mercantile or manufacturing establishment in this State more than ten hours in any one day of twenty-four hours. All contracts heretofore or hereafter made for the employment of any female in any factory, workshop, laundry, restaurant, mercantile or manufacturing establishment to work for more than ten hours in any one day of twenty-four hours, shall be deemed to be void. But nothing

in this section shall be construed to apply to females whose full time is employed as bookkeepers, stenographers, cashiers or office assistants; or in factories engaged exclusively in packing fruits or vegetables, or in mercantile establishments in towns of less than two thousand inhabitants or in country districts.

Every employer to whom this section shall apply shall keep posted in a conspicuous place in the workroom where such females shall be employed or permitted to work, a printed or typewritten copy of this section; and a printed or typewritten schedule stating the number of hours per day for each day of the weeks required of such persons, and the time when such work shall begin and end, and the time when the lunch period shall begin and end, shall be kept posted in a conspicuous place in each room where females are employed.

Any person having authority to contract for the employment of persons to work in any factory, workshop, laundry, restaurant, mercantile or manufacturing establishment, who shall engage or contract with any female, or suffer or permit any female, to work in any factory, workshop, laundry, restaurant, mercantile or manufacturing establishment in violation of this section, or who shall otherwise violate this section, shall be guilty of a misdemeanor and upon conviction be fined not less than ten nor more than twenty-five dollars upon the first conviction, and not less than twenty-five dollars nor more than fifty dollars upon any second or subsequent conviction.

The commissioner of labor is hereby charged with the duty of enforcing this section and prosecuting all violations thereof, and of supplying printed copies of the section to employers upon application.

Approved March 25, 1926.

CHAPTER 549.—*Railroads—Height of wires over tracks*

[This act amends sec. 4038 of the Code, which requires all telegraph, telephone, etc., poles and posts to be so located as not to interfere with the safety and convenience of persons traveling on railroads, etc., nor may wires fastened on such poles be less than 23 feet above railroad crossings.]

CHAPTER 583.—*Liability of railroad companies, for injuries to employees*

[This act amends sec. 5791 of the Code, so as to read as follows:]

SECTION 5791. *Liability for injury or death.*—Every common carrier by railroad engaged in intrastate commerce, whose motive power is steam, shall be liable in damages to any of its employees suffering injury while employed by such carrier, except when such employee is injured while engaged in interstate commerce, and except when such employees are injured in the course of their regular employment, which regular employment does not expose such employee to the hazards incident to the maintenance, use and operation of such railroads, and in case of his death, to his personal representative, for such injury or death, resulting in whole or in part from the wrongful act or neglect of any of its officers, agents, servants or employees of such carriers, or by reason of any defect, or insufficiency due to its neglect in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves or other equipment. If the action be for the death of an employee, section fifty-seven hundred and eighty-seven, fifty-seven hundred and eighty-eight, fifty-seven hundred and eighty-nine, and fifty-seven hundred and ninety, shall apply thereto so far as applicable. No action shall be maintained under this section unless it be commenced within one year from the date the cause of action accrued.

Approved April 1, 1926.

Digests, etc.

[Other legislation is noted under Part I: Ch. 1, Child-labor amendment; ch. 31, Mechanics', etc., liens; chs. 65, 426, Convict labor; ch. 260, Absent voters; ch. 507, Actions for injuries causing death.]

WASHINGTON

EXTRAORDINARY SESSION, 1925-26

[The only labor legislation of this State at the extraordinary session of 1925-26, other than amendments to the compensation act, is noted in Part I: Ch. 36, Legal holidays; ch. 99, Cooperative associations.]

UNITED STATES

SIXTY-NINTH CONGRESS, FIRST SESSION 1925-26

CHAPTER 344 (44 Stat. 568).—*Use of aircraft in commerce, etc.*

[This act regulates the operation of aircraft in the transportation of persons or property for hire in interstate or foreign commerce. It is made the duty of the Secretary of Commerce to investigate, record, and make public the causes of accidents in civil air navigation in the United States; to provide for the periodic examination and rating of airmen serving in connection with aircraft of the United States as to their qualifications for such service; and to provide for the issuance and expiration and for the suspension and revocation of registration, aircraft, and airmen certificates.

If foreign nations grant similar privileges in respect of aircraft and airmen of the United States, aircraft and airmen of such nations operating in the United States may be exempted from the foregoing requirements; otherwise they must conform thereto. But no foreign aircraft may engage in interstate or intrastate air commerce. Serving as airmen in connection with any aircraft of the United States or any foreign aircraft without an airmen certificate or in violation of the terms of such certificate is unlawful except as provided for reciprocal exemptions of foreign airmen.]

CHAPTER 347 (44 Stat. 577).—*Mediation and arbitration of disputes of railroad employees*SECTION 1. *Definitions.*—When used in this act and for the purposes of this act:

First. The term "carrier" includes any express company, sleeping-car company, and any carrier by railroad, subject to the interstate commerce act, including all floating equipment such as boats, barges, tugs, bridges and ferries; and other transportation facilities used by or operated in connection with any such carrier by railroad, and any receiver or any other individual or body, judicial or otherwise, when in the possession of the business of employers or carriers covered by this act: *Provided, however,* That the term "carrier" shall not include any street, interurban, or suburban electric railway unless such a railway is operating as a part of a general steam railroad system of transportation, but shall not exclude any part of the general steam railroad system of transportation now or hereafter operated by any other motive power;

Second. The term "adjustment board" means one of the boards of adjustment provided for in this act;

Third. The term "Board of Mediation" means the Board of Mediation created by this act;

Fourth. 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.

Fifth. The term "employee" as used herein includes every person in the service of a carrier (subject to its continuing authority to supervise and direct the manner of rendition of his service) who performs any work defined as that of an employee or subordinate official in the orders of the Interstate Commerce Commission now in effect, and as the same may be amended or interpreted by orders hereafter entered by the commission pursuant to the authority which is hereby conferred upon it to enter orders amending or interpreting such existing orders: *Provided, however,* That no occupational classification made by order of the Interstate Commerce Commission shall be construed to define the crafts according to which railway employees may be organized by their voluntary action, nor shall the jurisdiction or powers of such employee organizations be regarded as in any way limited or defined by the provisions of this act or by the orders of the commission.

Sixth. The term "district court" includes the Supreme Court of the District of Columbia; and the term "circuit court of appeals" includes the Court of Appeals of the District of Columbia.

This act may be cited as the railway labor act.

SEC. 2. General duties.—First. It shall be the duty of all carriers, their officers, agents, and employees to exert every reasonable effort to make and maintain agreements concerning rates of pay, rules, and working conditions, and to settle all disputes, whether arising out of the application of such agreements or otherwise, in order to avoid any interruption to commerce or to the operation of any carrier growing out of any dispute between the carrier and the employees thereof.

Second. All disputes between a carrier and its employees shall be considered, and, if possible, decided, with all expedition, in conference between representatives designated and authorized so to confer, respectively, by the carriers and by the employees thereof interested in the dispute.

Third. Representatives, for the purposes of this act, shall be designated by the respective parties in such manner as may be provided in their corporate organization or unincorporated association, or by other means of collective action, without interference, influence, or coercion exercised by either party over the self-organization or designation of representatives by the other.

Fourth. In case of a dispute between a carrier and its employees, arising out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions, it shall be the duty of the designated representative or representatives of such carrier and of such employees, within ten days after the receipt of notice of a desire on the part of either party to confer in respect to such dispute, to specify a time and place at which such conference shall be held: *Provided*, (1) That the place so specified shall be situated upon the railroad line of the carrier involved unless otherwise mutually agreed upon; and (2) that the time so specified shall allow the designated conferees reasonable opportunity to reach such place of conference, but shall not exceed twenty days from the receipt of such notice: *And provided further*, That nothing in this paragraph shall be construed to supersede the provisions of any agreement (as to conferences) then in effect between the parties.

Fifth. Disputes concerning changes in rates of pay, rules, or working conditions shall be dealt with as provided in section 6 and in other provisions of this act relating thereto.

SEC. 3. Boards of adjustment.—First. Boards of adjustment shall be created by agreement between any carrier or group of carriers, or the carriers as a whole, and its or their employees.

The agreement—

- (a) Shall be in writing;
- (b) Shall state the group or groups of employees covered by such adjustment board;
- (c) Shall provide that disputes between an employee or group of employees and a carrier, growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions, shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes; but, failing to reach an adjustment in this manner, that the dispute shall be referred to the designated adjustment board by the parties, or by either party, with a full statement of the facts and all supporting data bearing upon the dispute;
- (d) Shall provide that the parties may be heard either in person, by counsel, or by other representative, as they may respectively elect, and that adjustment boards shall hear and, if possible, decide promptly all disputes referred to them as provided in paragraph (c). Adjustment boards shall give due notice of all hearings to the employee or employees and the carrier or carriers involved in the dispute;
- (e) Shall stipulate that decisions of adjustment boards shall be final and binding on both parties to the dispute; and it shall be the duty of both to abide by such decisions;
- (f) Shall state the number of representatives of the employees and the number of representatives of the carrier or carriers on the adjustment board, which number of representatives, respectively, shall be equal;
- (g) Shall provide for the method of selecting members and filling vacancies;
- (h) Shall provide for the portion of expenses to be assumed by the respective parties;
- (i) Shall stipulate that a majority of the adjustment board members shall be competent to make an award, unless otherwise mutually agreed;

(j) Shall stipulate that adjustment boards shall meet regularly at such times and places as designated; and

(k) Shall provide for the method of advising the employees and carrier or carriers of the decisions of the board.

Second. Nothing in this act shall be construed to prohibit an individual carrier and its employees from agreeing upon the settlement of disputes through such machinery of contract and adjustment as they may mutually establish.

SEC. 4. *Board of Mediation.*—First. There is hereby established, as an independent agency in the executive branch of the Government, a board to be known as the Board of Mediation and to be composed of five members appointed by the President, by and with the advice and consent of the Senate. The terms of office of the members first taking office shall expire, as designated by the President at the time of nomination, one at the end of the first year, one at the end of the second year, one at the end of the third year, one at the end of the fourth year, and one at the end of the fifth year, after January 1, 1926. The terms of office of all successors shall expire five years after the expiration of the terms for which their predecessors were appointed; but any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. Vacancies in the board shall not impair the powers nor affect the duties of the board nor of the remaining members of the board. A majority of the members in office shall constitute a quorum for the transaction of the business of the board. Each member of the board shall receive a salary at the rate of \$12,000 per annum, together with necessary traveling expenses and subsistence expenses, or per diem allowance in lieu thereof, subject to the provisions of law applicable thereto, while away from the principal office of the board on business required by this act. No person in the employment of or who is pecuniarily or otherwise interested in any organization of employees or any carrier shall enter upon the duties of or continue to be a member of the board.

A member of the board may be removed by the President for inefficiency, neglect of duty, malfeasance in office, or ineligibility, but for no other cause.

Second. The board shall annually designate a member to act as chairman. The board shall maintain its principal office in the District of Columbia, but it may meet at any other place whenever it deems it necessary. The board may designate one or more of its members to exercise the functions of the board in mediation proceedings. Each member of the board shall have power to administer oaths and affirmations. The board shall have a seal which shall be judicially noticed. The board shall make an annual report to Congress.

Third. The board may (1) appoint such experts and assistants to act in a confidential capacity and, subject to the provisions of the civil service laws, such other officers and employees, and (2) in accordance with the classification act of 1923 fix the salary of such experts, assistants, officers, and employees, and (3) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding, and including expenditures for salaries and compensation, necessary traveling expenses and expenses actually incurred for subsistence, and other necessary expenses of boards of arbitration, in accordance with the provisions of section 7) as may be necessary for the execution of the functions vested in the board, or in the boards of arbitration, and as may be provided for by the Congress from time to time. All expenditures of the board shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman.

SEC. 5. *Functions of Board of Mediation.*—First. The parties, or either party, to a dispute between an employee or group of employees and a carrier may invoke the services of the Board of Mediation created by this act, or the Board of Mediation may proffer its services, in any of the following cases:

(a) A dispute arising out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions not adjusted by the parties in conference and not decided by the appropriate adjustment board;

(b) A dispute which is not settled in conference between the parties, in respect to changes in rates of pay, rules, or working conditions;

(c) Any other dispute not decided in conference between the parties.

In either event the said board shall promptly put itself in communication with the parties to such controversy, and shall use its best efforts, by mediation, to bring them to agreement. If such efforts to bring about an amicable

adjustment through mediation shall be unsuccessful, the said board shall at once endeavor as its final required action (except as provided in paragraph third of this section and in section 10 of this act), to induce the parties to submit their controversy to arbitration in accordance with the provisions of this act.

Second. In any case in which a controversy arises over the meaning or the application of any agreement reached through mediation under the provisions of this act, either party to the said agreement, or both, may apply to the Board of Mediation for an interpretation as to the meaning or application of such agreement. The said board shall upon receipt of such request notify the parties to the controversy, and after a hearing of both sides give its interpretation within thirty days.

Third. The Board of Mediation shall have the following duties with respect to the arbitration of disputes under section 7 of this act:

(a) On failure of the arbitrators named by the parties to agree on the remaining arbitrator or arbitrators within the time set by section 7 of this act, it shall be the duty of the Board of Mediation to name such remaining arbitrator or arbitrators. It shall be the duty of the board in naming such arbitrator or arbitrators to appoint only those whom the board shall deem wholly disinterested in the controversy to be arbitrated and impartial and without bias as between the parties to such arbitration. Should, however, the board name an arbitrator or arbitrators not so disinterested and impartial, then, upon proper investigation and presentation of the facts, the board shall promptly remove such arbitrator.

If an arbitrator named by the Board of Mediation, in accordance with the provisions of this act, shall be removed by such board as provided by this act, or if such an arbitrator refuses or is unable to serve, it shall be the duty of the Board of Mediation, promptly, to select another arbitrator, in the same manner as provided in this act for an original appointment by the Board of Mediation.

(b) Any member of the Board of Mediation is authorized to take the acknowledgment of an agreement of arbitration under this act. When so acknowledged, or when acknowledged by the parties before a notary public or the clerk of a district court or a circuit court of appeals of the United States, such agreement to arbitrate shall be delivered to a member of said board, or transmitted to said board, to be filed in its office.

(c) When an agreement to arbitrate has been filed with the Board of Mediation, or with one of its members, as provided by this section, and when the said board, or a member thereof, has been furnished the names of the arbitrators chosen by the parties to the controversy, it shall be the duty of the Board of Mediation to cause a notice in writing to be served upon said arbitrators, notifying them of their appointment, requesting them to meet promptly to name the remaining arbitrator or arbitrators necessary to complete the board of arbitration, and advising them of the period within which, as provided by the agreement to arbitrate, they are empowered to name such arbitrator or arbitrators.

(d) Either party to an arbitration desiring the reconvening of a board of arbitration to pass upon any controversy arising over the meaning or application of an award may so notify the Board of Mediation in writing, stating in such notice the question or questions to be submitted to such reconvened board. The Board of Mediation shall thereupon promptly communicate with the members of the board of arbitration, or a subcommittee of such board appointed for such purpose pursuant to a provision in the agreement to arbitrate, and arrange for the reconvening of said board or subcommittee, and shall notify the respective parties to the controversy of the time and place at which the board, or the subcommittee, will meet for hearings upon the matters in controversy to be submitted to it. No evidence other than that contained in the record filed with the original award shall be received or considered by such reconvened board or subcommittee, except such evidence as may be necessary to illustrate the interpretations suggested by the parties. If any member of the original board is unable or unwilling to serve on such reconvened board or subcommittee thereof, another arbitrator shall be named in the same manner and with the same powers and duties as such original arbitrator.

(e) The Interstate Commerce Commission, the Bureau of Labor Statistics, and the custodian of records, respectively, of the Railroad Labor Board, of the mediators designated in the act approved June 1, 1898, providing for mediation and arbitration, known as the Erdman Act, and of the Board of Mediation and Conciliation created by the act approved July 15, 1913, providing for medi-

ation, conciliation, and arbitration, known as the Newlands Act, are hereby authorized and directed to transfer and deliver to the Board of Mediation created by this act any and all papers and documents heretofore filed with or transferred to them, respectively, bearing upon the settlement, adjustment, or determination of disputes between carriers and their employees or upon mediation or arbitration proceedings held under or pursuant to the provisions of any act of Congress in respect to such disputes; and the President is authorized to require the transfer and delivery to the Board of Mediation, created by this act, of any and all such papers and documents filed with or in the possession of any agency of the Government. The President is authorized to designate a custodian of the records and property of the Railroad Labor Board, until the transfer and delivery of such records to the Board of Mediation and the disposition of such property in such manner as the President may direct.

SEC. 6. *Changing rates of pay, rules, etc.*—Carriers and the representatives of the employees shall give at least thirty days' written notice of an intended change affecting rates of pay, rules, or working conditions, and the time and place for conference between the representatives of the parties interested in such intended changes shall be agreed upon within ten days after the receipt of said notice, and said time shall be within the thirty days provided in the notice. Should changes be requested from more than one class or associated classes at approximately the same time, this date for the conference shall be understood to apply only to the first conference for each class; it being the intent that subsequent conferences in respect to each request shall be held in the order of its receipt and shall follow each other with reasonable promptness. In every case where such notice of intended change has been given, or conferences are being held with reference thereto, or the services of the Board of Mediation have been requested by either party, or said board has proffered its services, rates of pay, rules, or working conditions shall not be altered by the carrier until the controversy has been finally acted upon, as required by section 5 of this act, by the Board of Mediation, unless a period of ten days has elapsed after termination of conferences without request for or proffer of the services of the Board of Mediation.

SEC. 7. *Arbitration.*—First. Whenever a controversy shall arise between a carrier or carriers and its or their employees which is not settled either in conference between representatives of the parties or by the appropriate adjustment board or through mediation, in the manner provided in the preceding sections, such controversy may, by agreement of the parties to such controversy, be submitted to the arbitration of a board of three (or, if the parties to the controversy so stipulate, of six) persons: *Provided, however,* That the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of any legal obligation imposed upon such party by the terms of this act or otherwise.

Second. Such board of arbitration shall be chosen in the following manner:

(a) In the case of a board of three the carrier or carriers and the representatives of the employees, parties respectively to the agreement to arbitrate, shall each name one arbitrator; the two arbitrators thus chosen shall select a third arbitrator. If the arbitrators chosen by the parties shall fail to name the third arbitrator within five days after their first meeting, such third arbitrator shall be named by the Board of Mediation.

(b) In the case of a board of six the carrier or carriers and the representatives of the employees, parties respectively to the agreement to arbitrate, shall each name two arbitrators; the four arbitrators thus chosen shall, by a majority vote, select the remaining two arbitrators. If the arbitrators chosen by the parties shall fail to name the two arbitrators within fifteen days after their first meeting, the said two arbitrators, or as many of them as have not been named, shall be named by the Board of Mediation.

Third. (a) When the arbitrators selected by the respective parties have agreed upon the remaining arbitrator or arbitrators, they shall notify the Board of Mediation; and, in the event of their failure to agree upon any or upon all of the necessary arbitrators within the period fixed by this act, they shall, at the expiration of such period, notify the Board of Mediation of the arbitrators selected, if any, or of their failure to make or to complete such selection.

(b) The board of arbitration shall organize and select its own chairman and make all necessary rules for conducting its hearings: *Provided, however,* That the board of arbitration shall be bound to give the parties to the controversy a full and fair hearing, which shall include an opportunity to present

evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may respectively elect.

(c) Upon notice from the Board of Mediation that the parties, or either party, to an arbitration desire the reconvening of the board of arbitration (or a subcommittee of such board of arbitration appointed for such purpose pursuant to the agreement to arbitrate) to pass upon any controversy over the meaning or application of their award, the board, or its subcommittee, shall at once reconvene. No question other than, or in addition to, the questions relating to the meaning or application of the award, submitted by the party or parties in writing, shall be considered by the reconvened board of arbitration or its subcommittee.

Such rulings shall be acknowledged by such board or subcommittee thereof in the same manner, and filed in the same district court clerk's office, as the original award and become a part thereof.

(d) No arbitrator, except those chosen by the Board of Mediation, shall be incompetent to act as an arbitrator because of his interest in the controversy to be arbitrated, or because of his connection with or partiality to either of the parties to the arbitration.

(e) Each member of any board of arbitration created under the provisions of this act named by either party to the arbitration shall be compensated by the party naming him. Each arbitrator selected by the arbitrators or named by the Board of Mediation shall receive from the Board of Mediation such compensation as the Board of Mediation may fix, together with his necessary traveling expenses and expenses actually incurred for subsistence, while serving as an arbitrator.

(f) The board of arbitration shall furnish a certified copy of its award to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the evidence taken at the hearings, certified under the hands of at least a majority of the arbitrators, to the clerk of the district court of the United States for the district wherein the controversy arose or the arbitration is entered into, to be filed in said clerk's office as hereinafter provided. The said board shall also furnish a certified copy of its award, and the papers and proceedings, including testimony relating thereto, to the Board of Mediation, to be filed in its office; and in addition a certified copy of its award shall be filed in the office of the Interstate Commerce Commission: *Provided, however,* That such award shall not be construed to diminish or extinguish any of the powers or duties of the Interstate Commerce Commission, under the Interstate Commerce Act, as amended.

(g) A board of arbitration may, subject to the approval of the Board of Mediation, employ and fix the compensation of such assistants as it deems necessary in carrying on the arbitration proceedings. The compensation of such employees, together with their necessary traveling expenses and expenses actually incurred for subsistence, while so employed, and the necessary expenses of boards of arbitration, shall be paid by the Board of Mediation.

Whenever practicable, the board shall be supplied with suitable quarters in any Federal building located at its place of meeting or at any place where the board may conduct its proceedings or deliberations.

(h) All testimony before said board shall be given under oath or affirmation, and any member of the board shall have the power to administer oaths or affirmations. The board of arbitration, or any member thereof, shall have the power to require the attendance of witnesses and the production of such books, papers, contracts, agreements, and documents as may be deemed by the board of arbitration material to a just determination of the matters submitted to its arbitration, and may for that purpose request the clerk of the district court of the United States for the district wherein said arbitration is being conducted to issue the necessary subpoenas, and upon such request the said clerk or his duly authorized deputy shall be, and he hereby is, authorized, and it shall be his duty, to issue such subpoenas. In the event of the failure of any person to comply with any such subpoena, or in the event of the contumacy of any witness appearing before the board of arbitration, the board may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as provided for in the act to regulate commerce approved February 4, 1887, and the amendments thereto.

Any witness appearing before a board of arbitration shall receive the same fees and mileage as witnesses in courts of the United States, to be paid by the party securing the subpoena.

SEC. 8. *Agreement to arbitrate.*—The agreement to arbitrate—

- (a) Shall be in writing;
- (b) Shall stipulate that the arbitration is had under the provisions of this act;
- (c) Shall state whether the board of arbitration is to consist of three or of six members;
- (d) Shall be signed by the duly accredited representatives of the carrier or carriers and the employees, parties respectively to the agreement to arbitrate, and shall be acknowledged by said parties before a notary public, the clerk of a district court or circuit court of appeals of the United States, or before a member of the Board of Mediation, and, when so acknowledged, shall be filed in the office of the Board of Mediation;
- (e) Shall state specifically the questions to be submitted to the said board for decisions; and that, in its award or awards, the said board shall confine itself strictly to decisions as to the question so specifically submitted to it;
- (f) Shall provide that the questions, or any one or more of them, submitted by the parties to the board of arbitration may be withdrawn from arbitration on notice to that effect signed by the duly accredited representatives of all the parties and served on the board of arbitration;
- (g) Shall stipulate that the signatures of a majority of said board of arbitration affixed to their award shall be competent to constitute a valid and binding award;
- (h) Shall fix a period from the date of the appointment of the arbitrator or arbitrators necessary to complete the board (as provided for in the agreement) within which the said board shall commence its hearings;
- (i) Shall fix a period from the beginning of the hearings within which the said board shall make and file its award: *Provided*, That the parties may agree at any time upon an extension of this period;
- (j) Shall provide for the date from which the award shall become effective and shall fix the period during which the award shall continue in force;
- (k) Shall provide that the award of the board of arbitration and the evidence of the proceedings before the board relating thereto, when certified under the hands of at least a majority of the arbitrators, shall be filed in the clerk's office of the district court of the United States for the district wherein the controversy arose or the arbitration was entered into, which district shall be designated in the agreement; and, when so filed, such award and proceedings shall constitute the full and complete record of the arbitration;
- (l) Shall provide that the award, when so filed, shall be final and conclusive upon the parties as to the facts determined by said award and as to the merits of the controversy decided;
- (m) Shall provide that any difference arising as to the meaning, or the application of the provisions, of an award made by a board of arbitration shall be referred back for a ruling to the same board, or, by agreement, to a sub-committee of such board; and that such ruling, when acknowledged in the same manner, and filed in the same district court clerk's office, as the original award, shall be a part of and shall have the same force and effect as such original award; and
- (n) Shall provide that the respective parties to the award will each faithfully execute the same.

The said agreement to arbitrate, when properly signed and acknowledged as herein provided, shall not be revoked by a party to such agreement: *Provided, however*, That such agreement to arbitrate may at any time be revoked and canceled by the written agreement of both parties, signed by their duly accredited representatives, and (if no board of arbitration has yet been constituted under the agreement) delivered to the Board of Mediation or any member thereof; or, if the board of arbitration has been constituted as provided by this act, delivered to such board of arbitration.

SEC. 9. *Awards.*—First. The award of a board of arbitration, having been acknowledged as herein provided, shall be filed in the clerk's office of the district court designated in the agreement to arbitrate.

Second. An award acknowledged and filed as herein provided shall be conclusive on the parties as to the merits and facts of the controversy submitted to arbitration, and unless, within ten days after the filing of the award, a

petition to impeach the award, on the grounds hereinafter set forth, shall be filed in the clerk's office of the court in which the award has been filed, the court shall enter judgment on the award, which judgment shall be final and conclusive on the parties.

Third. Such petition for the impeachment or contesting of any award so filed shall be entertained by the court only on one or more of the following grounds:

(a) That the award plainly does not conform to the substantive requirements laid down by this act for such awards, or that the proceedings were not substantially in conformity with this act;

(b) That the award does not conform, nor confine itself, to the stipulations of the agreement to arbitrate; or

(c) That a member of the board of arbitration rendering the award was guilty of fraud or corruption; or that a party to the arbitration practiced fraud or corruption, which fraud or corruption affected the result of the arbitration: *Provided, however,* That no court shall entertain any such petition on the ground that an award is invalid for uncertainty: in such case the proper remedy shall be a submission of such award to a reconvened board, or subcommittee thereof, for interpretation, as provided by this act: *Provided further,* That an award contested as herein provided shall be construed liberally by the court, with a view to favoring its validity, and that no award shall be set aside for trivial irregularity or clerical error, going only to form and not to substance.

Fourth. If the court shall determine that a part of the award is invalid on some ground or grounds designated in this section as a ground of invalidity, but shall determine that a part of the award is valid, the court shall set aside the entire award: *Provided, however,* That, if the parties shall agree thereto, and if such valid and invalid parts are separable, the court shall set aside the invalid part, and order judgment to stand as to the valid part.

Fifth. At the expiration of ten days from the decision of the district court upon the petition filed as aforesaid, final judgment shall be entered in accordance with said decision, unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said petition and to be decided.

Sixth. The determination of said circuit court of appeals upon said questions shall be final, and, being certified by the clerk thereof to said district court, judgment pursuant thereto shall thereupon be entered by said district court.

Seventh. If the petitioner's contentions are finally sustained, judgment shall be entered setting aside the award in whole or, if the parties so agree, in part; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

Eighth. Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor or service by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent.

SEC. 10. *Emergency boards.*—If a dispute between a carrier and its employees be not adjusted under the foregoing provisions of this act and should, in the judgment of the Board of Mediation, threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, the Board of Mediation shall notify the President, who may thereupon, in his discretion, create a board to investigate and report respecting such dispute. Such board shall be composed of such number of persons as to the President may seem desirable: *Provided, however,* That no member appointed shall be pecuniarily or otherwise interested in any organization of employees or any carrier. The compensation of the members of any such board shall be fixed by the President. Such boards shall be created separately in each instance and it shall investigate promptly the facts as to the dispute and make a report thereon to the President within thirty days from the date of its creation.

There is hereby authorized to be appropriated such sums as may be necessary for the expenses of such board, including the compensation and the

necessary traveling expenses and expenses actually incurred for subsistence, of the members of the board. All expenditures of the board shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman.

After the creation of such board and for thirty days after such board has made its report to the President, no change, except by agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose.

SEC. 11. *Provisions separable.*—If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 12. *Appropriations.*—There is hereby authorized to be appropriated such sums as may be necessary for expenditure by the Board of Mediation in carrying out the provisions of this act.

SEC. 13. *General provisions.*—(a) Paragraph "second" of subdivision (b) of section 128 of the Judicial Code, as amended is amended to read as follows: "Second. To review decisions of the district courts, under section 9 of the railway labor act."

(b) Section 2 of the act entitled "An act to amend the Judicial Code, and to further define the jurisdiction of the circuit court of appeals and of the Supreme Court, and for other purposes," approved February 13, 1925, is amended to read as follows:

"Sec. 2. That cases in a circuit court of appeals under section 9 of the railway labor act; under section 5 of 'An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes,' approved September 26, 1914; and under section 11 of 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, are included among the cases to which sections 239 and 240 of the Judicial Code shall apply."

SEC. 14. *Repeals.*—Title III of the transportation act, 1920, and the act approved July 15, 1913, providing for mediation, conciliation, and arbitration, and all acts and parts of acts in conflict with the provisions of this act are hereby repealed, except that the members, secretary, officers, employees, and agents of the Railroad Labor Board, in office upon the date of the passage of this act, shall receive their salaries for a period of 30 days from such date, in the same manner as though this act had not been passed.

Approved May 20, 1926.

CHAPTER 406.—*Wages preferred—in bankruptcy*

[This act amends sec. 9648, Comp. Stats. (sec. 64, 30 Stat. 544), by increasing the amount allowed each wage creditor from \$300 to \$600 and placing wage preferences below the newly added allowance for expenses of creditors in successfully opposing terms of composition.]

Continuing provisions

[Continuing provisions retained in current appropriation, etc., acts are those exempting labor organizations from the payment of income taxes (ch. 27, 44 Stat. 39), and from prosecution under the antitrust laws (ch. 195, 44 Stat. 343); prohibiting the use of stop watches, the giving of bonuses, etc., in the War Department appropriation act (ch. 146, 44 Stat. 287), and in that for the Navy (ch. 355, 44 Stat. 613); and providing for an employment service in the Department of Labor (ch. 195, 44 Stat. 373).]

Digests, etc.

[Other legislation is noted in Part I: Ch. 801 (44 Stat. 904), Retirement of civil-service employees.]

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⁴ Texts mostly abridged; for representative law in full, see Indiana.

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⁴ Texts mostly abridged; for representative law in full, see Indiana.

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The following is a list of all bulletins of the Bureau of Labor Statistics published since July, 1912, except that in the case of bulletins giving the results of routine surveys of the bureau, only the latest bulletin on any one subject is here listed.

A complete list of the reports and bulletins issued prior to July, 1912, as well as the bulletins published since that date, will be furnished on application. Bulletins marked thus () are out of print.*

Wholesale Prices.

No. 284. Index numbers of wholesale prices in the United States and foreign countries. [1921.]

No. 415. Wholesale prices, 1890 to 1925.

Retail Prices and Cost of Living.

*No. 121. Sugar prices, from refiner to consumer. [1913.]

*No. 130. Wheat and flour prices, from farmer to consumer. [1913.]

*No. 164. Butter prices, from producer to consumer. [1914.]

No. 170. Foreign food prices as affected by the war. [1915.]

No. 357. Cost of living in the United States. [1924.]

No. 369. The use of cost-of-living figures in wage adjustments. [1925.]

No. 418. Retail prices, 1890 to 1925.

Wages and Hours of Labor.

*No. 146. Wages and regularity of employment and standardization of piece rates in the dress and waist industry of New York City. [1914.]

*No. 147. Wages and regularity of employment in the cloak, suit, and skirt industry. [1914.]

No. 161. Wages and hours of labor in the clothing and cigar industries, 1911 to 1913.

No. 163. Wages and hours of labor in the building and repairing of steam-railroad cars, 1907 to 1913.

*No. 190. Wages and hours of labor in the cotton, woolen, and silk industries, 1907 to 1914.

No. 204. Street-railway employment in the United States. [1917.]

No. 225. Wages and hours of labor in the lumber, millwork, and furniture industries, 1915.

No. 265. Industrial survey in selected industries in the United States, 1919.

No. 297. Wages and hours of labor in the petroleum industry, 1920.

No. 348. Wages and hours of labor in the automobile industry, 1922.

No. 356. Productivity costs in the common-brick industry. [1924.]

No. 358. Wages and hours of labor in the automobile-tire industry, 1923.

No. 360. Time and labor costs in manufacturing 100 pairs of shoes. [1924.]

No. 365. Wages and hours of labor in the paper and pulp industry, 1923.

No. 371. Wages and hours of labor in the cotton-goods manufacturing, 1924.

No. 374. Wages and hours of labor in the boot and shoe industry, 1907 to 1924.

No. 376. Wages and hours of labor in the hosiery and underwear industry, 1907 to 1924.

No. 377. Wages and hours of labor in woolen and worsted goods manufacturing, 1924.

No. 381. Wages and hours of labor in the iron and steel industry, 1907 to 1924.

No. 387. Wages and hours of labor in the men's clothing industry, 1911 to 1924.

No. 394. Wages and hours of labor in metalliferous mines, 1924.

No. 407. Labor cost of production and wages and hours in the paper box-board industry, 1925.

No. 412. Wages, hours, and productivity in the pottery industry, 1925.

No. 413. Wages and hours of labor in the lumber industry in the United States, 1925.

No. 416. Hours and earnings in anthracite and bituminous coal mining, 1922 and 1924.

Wages and Hours of Labor—Continued.

- No. 421. Wages and hours of labor in the slaughtering and meat-packing industry, 1925.
- No. 422. Wages and hours of labor in foundries and machine shops, 1925.
- No. 431. Union scale of wages and hours of labor, May 15, 1926. (In press.)

Employment and Unemployment.

- *No. 109. Statistics of unemployment and the work of employment offices in the United States. [1913.]
- No. 172. Unemployment in New York City, N. Y. [1915.]
- *No. 183. Regularity of employment in the women's ready-to-wear garment industries. [1915.]
- *No. 195. Unemployment in the United States. [1916.]
- No. 196. Proceedings of the Employment Managers' Conference held at Minneapolis, Minn., January, 1916.
- *No. 202. Proceedings of the conference of Employment Managers' Association of Boston, Mass., held May 10, 1916.
- No. 206. The British system of labor exchanges. [1916.]
- *No. 227. Proceedings of the Employment Managers' Conference, Philadelphia, Pa., April 2 and 3, 1917.
- No. 235. Employment system of the Lake Carriers' Association. [1918.]
- *No. 241. Public employment offices in the United States. [1918.]
- No. 247. Proceedings of Employment Managers' Conference, Rochester, N. Y., May 9-11, 1918.
- No. 310. Industrial unemployment: A statistical study of its extent and causes. [1922.]
- No. 409. Unemployment in Columbus, Ohio, 1921 to 1925.

Proceedings of Annual Meetings of International Association of Public Employment Services.

- No. 192. First, Chicago, December 19 and 20, 1913; Second, Indianapolis, September 24 and 25, 1914; Third, Detroit, July 1 and 2, 1915.
- No. 220. Fourth, Buffalo, N. Y., July 20 and 21, 1916.
- No. 311. Ninth, Buffalo, N. Y., September 7-9, 1921.
- No. 337. Tenth, Washington, D. C., September 11-13, 1922.
- No. 355. Eleventh, Toronto, Canada, September 4-7, 1923.
- No. 400. Twelfth, Chicago, Ill., May 19-23, 1924.
- No. 414. Thirteenth, Rochester, N. Y., September 15-17, 1925.

Women and Children in Industry.

- No. 116. Hours, earnings, and duration of employment of wage-earning women in selected industries in the District of Columbia. [1913.]
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