

GENERAL STATUTES

OF

MINNESOTA

1913

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penalties for said violation of the provisions of this act were imposed; provided, however, that fines collected for violations of this act, where prosecutions are instituted upon the complaint of township, city or village officers, duly appointed by the state forester as fire wardens, shall be paid into the treasury of the township, city or village where the offense was committed, to be credited to the "fire fund" of such township, city or village. ('11 c. 125 § 25, amended '13 c. 159 § 7)

3808. Appropriation—Claims, how paid—There is hereby appropriated from the general revenue funds of the state out of any moneys not otherwise appropriated the sum of \$15,000 for the fiscal year ending July 31, 1911, \$75,000 for the fiscal year ending July 31, 1912, and \$75,000, for the fiscal year ending July 31, 1913, which shall be credited to the forest service to be used therefor as provided in this act. The manner of presenting claims to the state auditor and payment of the same shall, so far as practicable, be in accordance with chapter ninety-six (96) of the General Laws of Minnesota for 1905. Itemized vouchers of all expenses shall be approved as directed by the forestry board. ('11 c. 125 § 26)

For 1905 c. 96 see §§ 68-70.

3809. Meaning of "board"—Whenever the word "board" is mentioned or referred to in the forestry laws of the state of Minnesota it shall mean the state forestry board herein created. ('11 c. 125 § 27)

3810. Laws repealed—Chapter 22, Revised Laws, 1905 and sections 2505, 2506, 2507, 2508, 2510 and 2515 Revised Laws, 1905; chapters 82 and 310 of the General Laws of Minnesota for 1905; chapter 182 of the General Laws of Minnesota for 1909 and all acts and parts of acts inconsistent with this act are hereby repealed. ('11 c. 125 § 28)

3811. Legalizing payments for aid of fire sufferers—That in all cases where the officers of any city or the county board of any county in this state have heretofore, by resolution of the city or common council of any such city or the county board of any such county, in good faith authorized the payment and have paid out public moneys for the purpose of aiding the sufferers from forest fires in northern Minnesota in the year 1910, such payments are hereby in all respects validated and legalized. ('11 c. 7 § 1)

CHAPTER 23

REGULATION OF LABOR

DEPARTMENT OF LABOR AND INDUSTRIES

3812. How constituted—Terms—Employees—The department of labor and industries shall consist of a bureau of statistics, a bureau of factory inspection, a bureau of women and children and a bureau of state free employment, and its officers shall consist of a commissioner of labor, an assistant commissioner of labor, a chief statistician and a woman superintendent of the bureau of women and children, and the department shall have its office in the state capitol.

There shall also be appointed one statistician, three deputy labor commissioners, an elevator inspector, a railroad inspector, five male factory inspectors, four male assistant factory inspectors, four female inspectors for the bureau of women and children, five local managers of employment offices, four assistant managers of employment offices, three stenographers, one of whom shall be assigned to the bureau of women and children, and three clerks. The commissioner may also employ when necessary an experienced architect, and a competent physician, regularly practicing under the laws of this state, and such other help as the department may require. ('13 c. 518 § 1)

"An act creating the department of labor and industries, and providing for a board of examiners to govern appointments therein, and to repeal sections 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796 and 1797, Revised Laws of 1905, chapter 356, General Laws of 1907, chapter

180, General Laws of 1907, chapter 497, General Laws of 1909, and providing penalties for the violation thereof."

For repeal of prior laws, see § 3826.

See § 294.

3813. Commissioner, officers, etc., how appointed—The commissioner of the bureau of labor, industries and commerce, who is in office when this law is enacted shall complete his term of office in the capacity of commissioner of the department of labor and industries. His successor shall be appointed by the governor, by and with the advice and consent of the senate, for a term of four years ending on the first Monday of January, 1919, and for each four years thereafter. All other officers and employes of the department except the assistant labor commissioner and one stenographer shall be appointed by the labor commissioner from a list of persons whose competency shall have been certified to by a board of examiners as provided in sections 3 to 7 [3814–3818] of this act, and shall remain in office until removed by the commissioner. The assistant labor commissioner and one stenographer shall be appointed by the commissioner without such examination. Provided, that the commissioner of labor upon the removal from office of any officer or employe appointed after examination by the board of examiners, shall file a statement in writing, giving the reasons for said removal, with the secretary of state, which statement shall be open to public inspection. The failure of the commissioner to make and file such statement within five days after such removal shall operate to reinstate such official or employe. No removal of any officer or employe covered by this act shall be made except for neglect of duty, incompetence, insubordination, intoxication or immorality. Provided, that all officers of the department shall hold office until their respective successors qualify. ('13 c. 518 § 2)

3814. Qualifications of appointees—No person shall be eligible to appointment as a chief factory inspector, elevator inspector, railroad inspector or factory inspector in the department of labor who is not possessed of practical experience and knowledge in and of the operation of such machinery, appliances and work places as he may be called upon to inspect; and every person desiring such an appointment shall be required to pass such a competitive examination touching his general qualifications and his knowledge of the trade and technical phases of the work required in such position as may be deemed necessary by the board of examiners to the proper discharge of the duties of such position. No person shall be appointed to the position of deputy labor commissioner who is not possessed of such qualifications as the board of examiners may determine necessary. No person shall be appointed superintendent of the bureau of women and children who is not competent to investigate and report to the commissioner of labor upon the conditions under which women and children are at work in all factories, workshops, hotels, restaurants, mercantile establishments and other places where women and children are employed, with such recommendations as will promote the health and welfare of the women and children so employed in this state. No person shall be appointed as a local manager or other employe of the state free employment offices who is not possessed of such knowledge as the board of examiners may deem necessary for the proper fulfillment of the duties of such position. No person shall be competent for appointment as statistician in the department of labor who has not demonstrated his competency to the satisfaction of the board of examiners, by his fulfillment of similar duties at a previous time, or, in the absence of, or in addition to previous experience, cannot satisfactorily pass such examination as the board of examiners shall provide for the filling of such statistical position. Experts and special agents appointed by the commissioner to assist in statistical or investigation work shall have such qualifications and pass such examinations as the board of examiners may specify. The commissioner of labor shall be empowered to temporarily appoint properly qualified persons who have not passed such examinations as are provided in sections 2 and 3 [3813, 3814] of this act for a period of not to exceed sixty (60) days duration. Provided, that such appointments may not be renewed at the expiration of said sixty (60) days unless such appointee has passed the regu-

lar examination for such position. No person shall be eligible to appointment to any position in the department of labor, who, in addition to passing such examinations or meeting such requirements as are specified by law, is unable to satisfy the board of examiners and the appointing officers of his moral, mental and physical fitness to hold such position. ('13 c. 518 § 3)

3815. Board of examiners—To carry out the provisions of sections 2 and 3 [3813, 3814] of this act a board of examiners is hereby created consisting of the state labor commissioner and two persons appointed by the governor. The labor commissioner shall be an ex-officio member of said board and the other members shall be appointed for a term of two years beginning the first Monday in January of each odd numbered year. Provided, that the first appointments under this section shall be made on or before June 1, 1913. In case of the inability of any member of this board to be present at any examination, the governor shall appoint a competent person to act in his place. The state labor commissioner shall be the secretary of such board and shall keep the records, which shall contain all the proceedings of the board in reference to examinations and of its actions in carrying out the provisions of this act, and all examination papers, which shall be public records. The secretary of the board shall likewise keep and have open to the inspection of the public a list of the names of the persons who are eligible to appointment. Two (2) members of the board shall constitute a quorum for the transaction of business. A chairman shall be elected by the board from its number. No member of the board shall receive any compensation for his services herein required, except his reasonable and necessary expenses, which shall be paid out of the fund appropriated for the maintenance of the department of labor in the same manner as other charges against such fund are paid. ('13 c. 518 § 4)

3816. Examinations—Temporary vacancies—The board of examiners shall provide suitable lists of questions for such examinations which shall be submitted to the applicants in such manner as the board may determine; and a list shall be made of the successful applicants; from which list the labor commissioner shall make selections for the positions above named.

The board of examiners shall convene for the purpose of holding the first examination on or before the last Monday in June 1913, and annually thereafter. Special examinations may be held by the board upon the written request of the labor commissioner. Any person who shall pass such examinations shall be eligible to appointment at any time within one year from the date of his examination, provided, he shall remain morally, mentally, and physically fit. Thirty (30) days' notice, signed by the secretary of the board, of any examination held under the provisions of this act shall be given by one publication in one daily newspaper in the city of St. Paul, Minneapolis, and Duluth, and such notice shall state the time and place thereof and in general terms the subject matter upon which the applicants will be examined. All examinations shall be held in the city of St. Paul at some suitable place therein to be fixed by the board. If at any time there be an insufficient number of eligibles the commissioner shall have authority to temporarily fill a vacancy or vacancies, such appointment to hold until such list of eligibles has been sufficiently replenished, but not to exceed three months, provided, that, unless prevented by extraordinary conditions, the board of examiners shall hold an examination to replenish the list of eligibles within three months of the date of such temporary appointment. ('13 c. 518 § 5)

3817. Offices vacated—All positions in the bureau of labor, industries and commerce, covered by the provisions of this act and subject to examination under the provisions of this act are hereby declared vacated on August 1, 1913, and shall be filled by such persons as are appointed under the provisions of this act. ('13 c. 518. § 6)

3818. Terms defined—The words "factory" and "mill," as used in this chapter, shall mean any premises where water, steam, electrical or other mechanical power is used in the aid of manufacturing or printing process there carried on. The term "workshop," as so used, shall mean any premises, room or place, not factory or mill as above defined, wherein manual

labor is exercised by way of trade or for purpose of gain in or incidental to a process of making, altering, repairing, cleaning, ornamenting, finishing or adapting for sale or use any article or part thereof. The term "engineering work," as so used, shall mean any work of construction, operation, alteration, or repair of a railroad or street railway, of the works or offices of any gas, telephone, telegraph, water, electric light, or mining company, or upon any sewer, bridge, tunnel, or building. The term "mercantile establishments" shall mean any wholesale or retail establishment, theater, bowling alley, pool room or other place of amusement, hotels, restaurants, photograph galleries, warehouses. But nothing herein shall interfere with the powers conferred by law upon the railroad and warehouse commissioners or the county mine inspectors. ('13 c. 518 § 7)

Workshops (111-275, 126+903).

3819. Duties and powers—The department shall enforce all laws regulating the employment of minors and women, the protection of the health, lives, limbs, and rights of the working classes, and those prescribing the qualifications of persons in trades and crafts, and shall be clothed with the same powers for the enforcement of the compulsory education and truancy laws as those conferred on truant officers by section 1448, Revised Laws of 1905 [2986]. It shall be empowered to gather statistics relating to all branches of labor, to labor troubles and unions, and to the economic and social conditions of the laboring classes. In the discharge of its duties the members and employees of the department may enter any factory, mill, workshop, warehouse, mercantile establishment, office, engineering work or other place where persons are employed, at all reasonable times, and give such direction as may be necessary to enforce the laws. They may also enter any place where intoxicating beverages are sold, for the purpose of enforcing the child labor and school attendance laws or other duties imposed upon them. Any member of the department of labor and industries may issue subpoenas and take testimony, and compel the attendance of witnesses, and shall have authority to administer oaths and take testimony under oath, but no person shall be compelled to attend as a witness unless he is paid the fees provided for witnesses in the district court.

The bureau of women and children shall have power to enforce and cause to be enforced, by complaint in any court or otherwise, all laws and local ordinances relating to the health, morals, comfort and general welfare of women and children. ('13 c. 518 § 8)

3820. Free employment bureaus—The department may establish state free employment bureaus in the cities of St. Paul, Minneapolis, Duluth, Winona, and one in the northwestern portion of the state, for the purpose of receiving applications from persons seeking employment, and applications from employers desiring to employ labor. There shall be no fee or compensation charged or received, directly or indirectly, from persons applying for employment, or from those desiring to employ labor through said bureaus. Every application made by an employer or an employé to the free employment bureau shall be void after thirty days from its receipt, unless the same be renewed by the applicant.

The managers of the state free employment offices shall cause to be received and recorded in books kept for that purpose, the names of all persons applying for employment, as well as the addresses of all persons, firms or corporations applying to employ labor, designating opposite the name and address of each applicant the character of employment desired or offered. Such managers shall also perform such other duties pertaining to the work of the state free employment bureau in the collection of labor statistics and in keeping the books and accounts of such bureau as the commissioner may require, and shall report monthly all business transacted by such offices to the commissioner of labor. ('13 c. 518 § 9)

3821. Duties of employers and other persons—Reports—Preservation of records—On request of the department, and within the time limited therein, every employer of labor, any officer of a labor organization, or any other person from whom the department of labor shall find it necessary to gather in-

formation, shall make a certified report to the department upon blanks furnished by it, of all matters covered by the request. The names of persons or concerns supplying such information shall not be disclosed. Every notice, order, or direction given by the department shall be in writing, signed by any officer or inspector of the department, or a person specially designated for the purpose, and be served by him. Papers so served and all records and documents of the department are hereby declared public documents and shall not be destroyed within two years after their return or receipt by the department. ('13 c. 518 § 10)

3822. Persons aggrieved—Powers of district court, etc.—Within ten days after the service of any order or direction of the department, any person aggrieved may apply to a judge of the district court for an order restraining its enforcement, and upon not more than thirty (30) days' notice a hearing may be had before such court, or before three impartial expert referees appointed by the court, who shall file their report within ten days after the hearing. The court may alter, annul or affirm the order or direction complained of; the decision to be based upon the hearing by the court, or upon the report of the referees. Such decisions shall take the place of the original order. In cases of affirmance, the losing parties shall pay a reasonable compensation to the referees, to be fixed by the court. In cases of decisions rendered adverse to the order of the department of labor, such compensation shall be paid out of the appropriation for the support of the department. ('13 c. 518 § 11)

3823. Violation of local ordinances—Whenever the department learns of a violation of a local ordinance for the protection of employes, it shall give written notice thereof to the proper municipal authorities, and take any steps permissible under the ordinance for its enforcement. ('13 c. 518 § 12)

3824. Reports—The department shall report to the legislature at each regular session. Such reports shall contain an account of the doings of the department, the statistics gathered by it; a statement of all violations of law which come to its knowledge, and any proceedings had in consequence; and such recommendations as the commissioner may deem proper. The report shall be printed and distributed as in the case of other executive documents. The commissioner shall also be empowered to issue and have distributed special reports or bulletins on subjects investigated by the department that are of special interest to the welfare and prosperity of the state. Such special reports and bulletins shall be printed as in the case of other executive documents. ('13 c. 518 § 13)

3825. Penalties—Any officer, agent, or employe of the department who shall disclose the name of any person supplying information at the request of the department shall be guilty of a misdemeanor. Any person who, having been duly subpoenaed, shall refuse to attend or testify in any hearing under the direction of said commissioner shall be guilty of a misdemeanor. Any owner or occupant of any factory, mill, workshop, engineering work, store or other place enumerated in section 9 [3820] of this act, or agent of such person, who shall refuse to admit thereto any officer, agent or employe of the department seeking entrance in the discharge of his duty, shall be guilty of a misdemeanor. Any person, firm or corporation, or any of its officers or agents, who or which shall refuse to file with the department such reports as are required by it under the provisions of this act shall be guilty of a misdemeanor. ('13 c. 518 § 14)

3826. Laws repealed—Sec. 15. Sections 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796 and 1797, Revised Laws of 1905, chapter 356, General Laws 1907, chapter 180, General Laws of 1907, and chapter 497, Revised [sic] Laws 1909, and also all other acts and parts of acts inconsistent with this act are hereby repealed. ('13 c. 518 § 15)

R. L. §§ 1789-1797 were repealed by 1907 c. 356 § 10.

As to repeal of chapter 497 "Revised" Laws of 1909, see title of act under § 3812. 1907 c. 456, is repealed as inconsistent.

See § 294 (1913 c. 400), fixing salaries of officers of bureau of labor.

3827. When to take effect, etc.—This act shall take effect and be in force on August 1, 1913, but examinations shall be held under the provisions of this act on or before the last Monday in June, 1913. ('13 c. 518 § 16)

3828. Division for deaf—There shall be created in the bureau of labor a division devoted to the deaf. ('13 c. 238 § 1)

The bureau of labor having been abolished, the effect of this act is not clear. See § 3826.

3829. Same—Chief of division—Duties—The commissioner of labor shall appoint a competent man to take charge of such division who shall devote his time to the special work of labor for the deaf, under the supervision of the commissioner. He shall collect statistics of the deaf, ascertain what trades or occupations are most suitable for them, and best adapted to promote their interest, and shall use his best efforts to aid them in securing such employment as they may be fitted to engage in.

He shall keep a census of the deaf and obtain facts, information and statistics as to their condition in life with a view to the betterment of their lot. He shall endeavor to obtain statistics and information of the condition of labor and employment and education of the deaf in other states with a view to promoting the general welfare of the deaf of this state. ('13 c. 238 § 2)

3830. Same—Title of office—He shall be designated as chief of the bureau of labor for the deaf. ('13 c. 238 § 3)

GENERAL PROVISIONS

3831. Maximum day's work—Unless a shorter time be agreed upon, the standard day's work for hire shall be ten hours. Every employer and other person having control who shall compel any person, or who shall permit any minor under the age of fourteen, to labor more than ten hours in any one day, shall be guilty of a misdemeanor, but persons over fourteen may labor extra hours for extra pay; and this section shall not apply to farm laborers, to domestic servants employed by the week or month, or to persons engaged in the care of live stock. (1798)

3832. Hours of labor on state work—No person employed in manual labor upon any work for the state, whether such work be done by contract or otherwise, shall be required or permitted to labor more than eight hours in any calendar day except in cases of extraordinary emergency caused by fire, flood, or danger to life and property, military or naval employment in time of war, and agricultural work. (1799)

3833. Same—Stipulation in contracts—Every contract made by or in behalf of the state which may involve the employment of labor shall provide in terms for compliance with § 3832, and for the forfeiture by the contractor to the state of ten dollars for each and every violation thereof. Every inspector or other person whose duty it is to see that such contract is duly performed shall report all such violations to the proper disbursing officer, who shall withhold the amounts so forfeited from the contract price. No sum so withheld shall ever be paid unless the disbursing officer shall first certify to the governor, in writing, that the forfeiture was imposed through an error as to the facts. Every state officer, and every person acting for or in behalf of the state, who shall violate any provision of this section or § 3832, shall be guilty of a gross misdemeanor. (1800)

3834. Locomotive engineers, etc.—Hours—Locomotive engineers and firemen shall not be required to serve as such for more than fourteen consecutive hours. At least nine hours, or as many hours less as is asked for by said engineers or firemen, shall be allowed for rest before being again required to go on duty. But nothing herein shall permit any such engineer or fireman to desert his locomotive when, by reason of accident or of delay caused by the elements, another cannot immediately be procured to take his place, nor prohibit him, in any case, from serving longer than fourteen hours if he so desires. Every superintendent or other officer or employer of a railway company who shall order or require any service in violation of this section shall be guilty of a misdemeanor, and such company shall be liable to any engineer or fireman for injuries sustained by him in consequence of such violation. (1801)

3835. Certain railroad employes—Hours—It shall be unlawful for any railroad company within the state of Minnesota, or any of its officers or agents, to require or permit any employé engaged in or connected with the movement of any rolling stock, engine or train, to remain on duty more than sixteen consecutive hours, or to require or permit any such employé who has been on duty sixteen consecutive hours to perform any further service without having had at least eight hours' rest, or to require or permit any such employé to be on duty at any time to exceed sixteen hours in any consecutive twenty-four hours, provided, however, that this section shall not apply to work performed in the protection of life or property in cases of accident, wreck or other unavoidable casualty; and, provided further, that it shall not apply to the time necessary for trainmen to reach a resting place when an accident, wreck, washout, snow blockade or other unavoidable cause has delayed their train. ('07 c. 253 § 1)

3836. Same—Penalty for violation—Duty of railroad commission—Any officer of any railroad company in the state of Minnesota violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than one hundred dollars, and not more than five hundred dollars for each offense, or by imprisonment in the county jail not more than sixty days, or both fine and imprisonment at the discretion of the court. It shall be the duty of the state railroad and warehouse commission, upon complaint properly filed with it alleging a violation of this act, to make a full investigation in relation thereto, and for such purpose it shall have the power to administer oaths, interrogate witnesses, take testimony and require the production of books and papers, and if such report shall show a violation of the provisions of this act the commission shall, through the attorney general, begin the prosecution of all parties against whom evidence of violation of the provisions of this act is found; but this act shall not be construed to prevent any other person from beginning prosecution for violation of the provisions hereof. ('07 c. 253 § 2)

3837. Seats for females—Every employer of females in any mercantile, manufacturing, hotel, or restaurant business, and every agent in charge of any such business, shall provide and maintain suitable seats in the room where they work, and permit such use thereof by them as may be necessary for the preservation of their health. (1802)

3838. Same—The certificate or testimony of any licensed and practicing physician to the effect that, in his opinion, any person is not complying with the provisions of § 3837 in respect to a specified employee, shall be prima facie evidence of a violation thereof. The labor commissioner, upon information of any such violation, shall forthwith cause the matter to be brought to the attention of the proper authorities, and assist in procuring evidence thereof; but this shall not prevent any one else from making complaint and furnishing evidence, nor interfere with any state or county officer in the performance of his duty. (1803)

3839. Employment of children—Under 14 years—No child under fourteen (14) years of age shall be employed, permitted or suffered to work at any time, in or in connection with any factory, mill or workshop, or in any mine; or in the construction of any building, or about any engineering work; it shall be unlawful for any person, firm or corporation, to employ or exhibit any child under fourteen (14) years of age in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session, except pursuant to consent of the mayor or president of the council of the village, for participation by children in theatrical exhibitions or concerts, as provided in section 10 hereof. ('07 c. 299, amended '12 c. 8 § 1; '13 c. 516 § 1)

1907 c. 299 § 13 repealed R. L. §§ 1804-1811 and all other inconsistent acts, etc. 1912 c. 8 § 13 repeals all inconsistent acts, etc.

90-431, 97+137, 101 Am. St. Rep. 416; 107-74, 119+510, 22 L. R. A. (N. S.) 309.

3840. Same—Over 14 and under 16 years—Employment certificate—It shall be unlawful for any person, firm or corporation to employ any child over 14 years of age, and under 16 years of age, in any business or service

whatever, during which the public schools of the district in which the child resides are in session, unless the employer procures and keeps accessible to the truant officer of the town or city and to the commissioner of labor, assistant commissioner of labor, factory inspectors and assistants, an employment certificate as herein prescribed and a list of all such children employed. On termination of the employment of a child, such certificate shall be forthwith surrendered by the employer to the official who issued the same. ('07 c. 299, amended '12 c. 8 § 2)

90-431, 97+137, 101 Am. St. Rep. 416; 94-478, 103+509; 104-138, 116+475.

R. L. § 1809 was not in contravention of fourteenth amendment of federal Constitution (104-138, 116+475).

3841. Same—Certificate, by whom issued—An employment certificate shall be issued only by the superintendent of schools, or by someone authorized by him so to do, or, where there is no superintendent of schools, by the chairman of the school board or the chairman of the board of education, or by a person authorized by such chairman; provided, that no superintendent of schools, member of the school board or board of education or other person authorized, as aforesaid, shall have authority to issue such certificates for any child then in or about to enter his own employment or the employment of a firm or corporation of which he is a member, officer or employee. ('07 c. 299, amended '12 c. 8 § 3)

3842. Same—Certificate, how issued—To whom—The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved and retained in his possession for the inspection of the public, the following papers duly executed: (1) The school record of such child, properly filled out and signed by the principal of the school which the child last attended, and if there is no principal, then by the teacher of such child in said school which shall be furnished on demand to a child entitled thereto. (2) A duly attested transcript of the births which shall be conclusive evidence of the birth of such child. (3) The affidavit of the parent or guardian or custodian of the child, showing the place and date of birth of such child, but such affidavit shall not be required unless the last mentioned transcript of the certificate of birth can not be produced; which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child has personally appeared before and been examined by the officer issuing the same and until such officer shall, after making an examination, make and retain for inspection by the public, a statement that, in his opinion, the child is 14 years of age or upwards, and until such officer shall have received a certificate from a reputable practicing physician duly designated for such purpose by the school board affirming that the child has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. Every such employment certificate shall be signed in the presence of the officer issuing the same, by the child in whose name it is issued, and shall only be issued to children who have completed the studies taught in the common schools of the district in which they reside; or, a parochial or private school in which the curriculum is equal to the common schools of the district; provided, however, that no child shall be granted such certificate who is not able to read and write simple sentences in the English language. ('07 c. 299, amended '12 c. 8 § 4)

3843. Same—Certificate shall state, what—Such employment certificate shall state the date and place of birth of the child, and describe the color of the hair and eyes and height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and retained for inspection by the public and that the child named in such certificate has appeared before the officer signing the certificate and been examined. ('12 c. 8 § 5)

3844. Same—Monthly report to commissioner of labor—The superintendent of schools and chairmen of school boards and of the boards of education, shall transmit between the first and tenth day of each month to the office of

the commissioner of labor of the state a list of the names of the children to whom certificates have been issued. The report shall give the date of issuing the certificate and the date of expiration; the age and sex of the child; the name of the employers and the nature of the occupation the child is permitted to engage in, and any one failing to transmit the list herein provided for, shall be guilty of a misdemeanor. ('07 c. 299, amended '12 c. 8 § 6)

3845. Same—Children under 16—Hours of employment—Posted notice— No person under the age of 16 years shall be employed, or suffered or permitted to work at any gainful occupation more than 48 hours in any one week, nor more than 8 hours in any one day; or before the hour of 7 o'clock in the morning or after the hour of 7 o'clock in the evening. Every employer shall post in a conspicuous place in every room where such minors are employed, a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the commissioner of labor of the state, and the employment of any minor for longer time in any day so stated, or between the hours of seven o'clock in the evening and seven o'clock in the morning, shall be deemed a violation of this section. ('07 c. 299, amended '12 c. 8 § 7)

90-431, 97+137, 101 Am. St. Rep. 416.

3846. Same—Penalties for violation—Whoever employs a child under 16 years of age, and whoever, having under his control a child under such age, permits such child to be employed in violation of sections 1, 2 or 7 [3839, 3840, 3845] of this act, shall, for such offense, be fined not less than \$25.00 nor more than \$50.00; and whoever continues to employ any child in violation of any of said sections of this act after being notified by truant officer of commissioner of labor of the state, shall for every day thereafter, that such employment continues, be fined not less than \$5.00 nor more than \$20.00 additional for each day that such employment continues. A failure to produce to a truant officer or any official of the labor department, any employment certificate or list required by this act shall be prima facie evidence of the illegal employment of any person whose employment certificate is not produced, or whose name is not so listed. Any corporation or employer retaining employment certificates in violation of section 2 [3840] of this act shall be fined \$10.00. Every person authorized to sign the certificate prescribed by section 5 [3843] of this act, who knowingly certifies any false statement therein shall be fined not more than \$50.00. ('07 c. 299, amended '12 c. 8 § 8)

90-431, 97+137, 101 Am. St. Rep. 416.

3847. Same—Visitorial powers of officials—Penalty—Officials of the labor department and the truant officers may visit all factories, mills, workshops, mines, mercantile establishments and all other places where labor is employed and ascertain whether any minors are employed contrary to the provisions of this act, and they shall report any case of such illegal employment to the school superintendent or to the chairman of the school board or board of education and to the commissioner of labor of the state. Officials of the labor department and truant officers may require that the employment certificates and lists provided for in this act of minors employed, shall be produced for their inspection. Complaints for offenses under this act may be brought by any official of the state labor department, and any one who shall refuse to allow visitation in this section provided for, shall be guilty of a misdemeanor. ('07 c. 299, amended '12 c. 8 § 9)

90-431, 97+137, 101 Am. St. Rep. 416.

3848. Same—Children under 16—Prohibited employments—Penalty—That no children under the age of sixteen (16) years shall be employed at sewing belts, in any capacity whatever; nor shall any children adjust any belt to any machinery; they shall not oil, or assist in oiling, wiping or cleaning machinery, they shall not operate or assist in operating circular or band saws, wood shapers, wood jointers, planers, sand paper or wood polishing machinery, emery or polishing wheels used for polishing metal, wood turning or boring machinery, stamping machines in sheet metal and tinware

manufacturing, stamping machines in washer and nut factories, operating corrugating rolls, such as are used in roofing factories, nor shall they be employed in operating any steam boiler, steam machinery, or other steam generating apparatus, or as pin boys in any bowling alleys, they shall not operate, or assist in operating dough grates, or cracker machinery of any description; wire or iron straightening machinery, nor shall they operate, or assist in operating rolling mill machinery, punches or shears, washing, grinding or mixing mill or calendar rolls in rubber manufacturing; nor shall they operate, or assist in operating laundry machinery; nor shall they be employed in any capacity in preparing any composition in which dangerous or poisonous acids are used, and they shall not be employed in any capacity in the manufacturing of paints, colors or white lead; nor shall they be employed in any capacity whatever in operating, or assisting to operate any passenger or freight elevators; nor shall they be employed in any capacity whatever in the manufacture of goods for immoral purposes, or in any other employment dangerous to their lives, or their health or morals; nor in any theater, concert hall, saloon, or place of amusement. Provided that this section shall not apply to the employment of any child as a singer or musician in a church, school or academy, or in teaching or learning the science or practice of music; or as a musician in any concert, or in a theatrical exhibition with the written consent of the mayor of the city, or the president of the council of the village, where such concert or exhibition takes place. Such consent shall not be given at any time for any child, local or transient, under ten years of age, nor in any case unless written application be made to the officer empowered to give such consent at least seventy-two (72) hours previous to any performance for which such consent may be given. Such application and the consent based thereon shall specify the name of the child, its age, and the names and residence of its parents and guardians, the nature, kind, duration and number of performances desired or permitted, together with the places and character of the exhibition. The mayor of the city, or president of the council of the village, may grant such consent, and shall at least forty-eight (48) hours before the first performance or exhibit forward to the commissioner of labor and to the secretary of the Minnesota child labor committee, a notice of said application and consent; and if it shall appear to such commissioner or secretary, or assistants, that such consent is in violation of any existing law, or that the character of the performance is such as to be dangerous to the life, or limb, or injurious to the health or morals of such child, then the commissioner of labor shall have power to suspend the operation of such consent pending investigation, and shall have power upon such investigation to revoke such consent. The applicant shall be promptly notified of any suspension or revocation of a permit, and of the time and place of any proposed investigation, and shall have the right to appear at such investigation and be heard. If a permit be revoked for any reason other than the unsuitableness of the proposed place, the child for whom said permit is requested shall not be permitted to appear in the proposed exhibition at any point within this state for a period of one year thereafter; and the fact that a permit may be thereafter granted by a mayor or president of the council for such child to appear in such exhibition shall not be a bar to a prosecution for violation of this act. But no such consent shall be construed to authorize any violation of paragraphs one, three and four of section 4939, Revised Laws of 1905 [8682]; nor shall females under sixteen (16) years of age be employed in any capacity where such employment compels them to remain standing constantly. Provided, that in any action brought against an employer of any child under sixteen (16) years of age on account of injuries sustained by the child while so employed, if the employer shall have obtained, and kept on file in like manner as herein provided for employment certificates, an affidavit of the parent or guardian, stating in substance that the child is not less than sixteen (16) years of age, such employment shall not be deemed a violation of this act. Any person employing any child in violation of the provisions of this section shall be guilty of a misdemeanor. ('07 c. 299, amended '12 c. 8 § 10; '13 c. 120; '13 c. 516 § 2)

3849. Same—Employment of boys and girls as messengers—No boy under the age of 18 years shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission or delivery of goods or messages before 5:00 o'clock in the morning or after 9:00 o'clock in the evening of any day; and no girl under the age of 21 years shall be thus employed at any time. Any person employing any child in violation of the provisions of this section shall be guilty of a misdemeanor. ('07 c. 299, amended '12 c. 8 § 11)

3850. Same—Physician's certificate—Failure to produce—Penalty—In case any child appears to be unable to perform the labor at which he or she is employed, the officials of the labor department or truant officers, shall require the employer of such child to procure a certificate from a reputable practicing physician duly designated for such purpose by the school board, affirming the physical fitness of the child for such work, and a child as to whom such certificate can not be obtained shall not be employed. Any person refusing to produce the certificate herein required upon demand, or who shall employ a child when a certificate has been procured stating that such child is physically unable to work, shall be guilty of a misdemeanor. ('07 c. 299, amended '12 c. 8 § 12)

90-431, 97+137, 101 Am. St. Rep. 416.

3851. Females in certain employments—Hours of labor—No female shall be employed in any mercantile establishment, restaurant, lunch room or eating house or kitchen operated in connection therewith more than ten hours in any one day or fifty-eight hours in any one week or in any mechanical or manufacturing establishment more than nine hours in any one day or fifty-four hours in any one week, or in any telephone or telegraph establishment more than nine hours in any one day or fifty-four hours in any one week in cities of the first and second class.

Provided that a different apportionment of hours may be made for the sole purpose of giving a shorter day's work for one day of the week, and further provided that the provisions of this act shall not apply to employment required in the canning or otherwise preserving of perishable fruits, grains or vegetables where the period of operating an establishment requiring such employment does not exceed six weeks in duration. Provided further, that females may be employed in retail mercantile establishments not more than eleven hours on Saturday each week, but no case to exceed a total of more than fifty-eight hours in any one week.

Every employer shall post in a conspicuous place in every room in which such persons are employed a printed notice stating the number of hours' work, and the hours when the time allowed for meals begins and ends.

The printed forms of such notices shall be provided by the commissioner of labor.

The employment of such person at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost on a previous day of the same week in consequence of the stopping of machinery upon which he or she was employed or dependent, but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment, nor shall overtime employment be authorized until a written report of the day and hour of its occurrence and duration is sent to the commissioner of labor. ('13 c. 581 § 1)

Section 7 repeals all inconsistent acts and parts of acts. This act supersedes 1909 c. 499, as amended by 1911 c. 184.

3852. Same—Meals—In each such establishment at least sixty minutes shall be allowed for the noon day meal unless the commissioner of labor shall permit a shorter time. Where employes are required or permitted to work more than one hour after six o'clock p. m. they shall be allowed at least twenty minutes to obtain lunch before beginning to work overtime. ('13 c. 581 § 2)

3853. Same—Number in room—No more employees shall be required or permitted to work in a room in any such establishment than will allow to

each of such employees not less than four hundred cubic feet of air space, unless by a written permit of the commissioner of labor such amount of air space for each employee may be reduced to not less than two hundred fifty cubic feet of air space. ('13 c. 581 § 3)

3854. Same—Ventilation—The owner, agent or lessee of any establishment shall provide in each work room thereof proper and sufficient means of ventilation; if excessive heat be created or if steam, gases, vapors, dust or other impurities that may be injurious to health be generated in the use of such establishment, the rooms must be ventilated in such manner to render them harmless, so far as is practicable and in case of the failure to so ventilate the commissioner of labor shall order such ventilation to be provided.

Such owner, agent or lessee shall provide such ventilation within twenty days after the service upon him of such order and in case of failure to comply therewith shall forfeit to the people of the state ten dollars for each day after the expiration of such twenty days, to be recovered by the commissioner of labor in an action brought for that purpose. ('13 c. 581 § 4)

3855. Same—Sanitation—Every factory and workshop in this state where women and children are employed and where dusty work is carried on shall be lime washed or painted at least once in every twelve months.

Every floor of any room of any establishment herein named where women are employed shall be thoroughly cleaned with soap and water at least once in six months and every dressing room and water closet in such establishment shall be thoroughly cleaned with soap and water once in every week. ('13 c. 581 § 5)

3856. Same—Penalty for violation—Every employer, superintendent, owner or other agent of any establishment named in section one hereof who violates any of the provisions of this chapter shall be guilty of a misdemeanor. ('13 c. 581 § 6)

3857. Wages of minors—To whom paid—Any parent or guardian claiming the wages of a minor in service shall so notify his employer, and, if he fail so to do, payment to the minor of wages so earned shall be valid. (1812)

3858. Assignment of wages or salary—Written notice—No assignment, sale or transfer, however made or attempted to be made, of any wages or salary, earned or to be earned, shall give any right of action, either at law or in equity, to the assignee or transferee of such wages or salary, nor shall any action lie for the recovery of such wages or salary, or any part thereof, by any other person than the person to whom such wages or salary are due or to become due, unless a written notice, together with a true and complete copy of the instrument, assigning or transferring such wages or salary, shall have been given within three days after the making of such instrument to the person, firm or corporation from whom such wages or salary have accrued or are accruing, or may accrue. ('05 c. 309 § 1)

3859. Same—Unearned wages—Consent of employer—Collection fee—Penalty—No assignment, sale or transfer, however made or attempted, of any unearned wages or salary shall be in any manner valid or effectual for the transfer of any salary or wages to be earned or accruing after the making of such assignment, sale or transfer, unless the person, firm or corporation from whom such wages or salary are to accrue shall consent thereto in writing. Any employer or agent of such employer accepting or charging any fee or commission for collecting the amount due on any such assignment, sale or transfer shall be deemed guilty of a misdemeanor. ('05 c. 309 § 2)

3860. Same—Assignment void, when—Every assignment, sale or transfer, however made or attempted, of wages or salary to be earned or to become due, in whole or in part, more than sixty (60) days from and after the day of the making of such transfer, sale or assignment, shall be absolutely void. ('05 c. 309 § 3)

3861. Assignment of unearned wages as security, etc.—Acceptance by employer—Filing and record—Consent of wife—No assignment of, or order for,

wages to be earned in the future to secure a loan of less than two hundred dollars, shall be valid against an employer of the person making said assignment or order until said assignment or order is accepted in writing by the employer, and said assignment or order and the acceptance of the same have been filed and recorded with the clerk of the city or town where the party making said assignment or order resides, if a resident of this state, or in which he is employed if not such resident. No such assignment of, or order for, wages to be earned in the future shall be valid when made by a married man, unless the written consent of his wife to the making of such assignment or order is attached thereto. ('11 c. 308 § 1)

3862. Dangerous machinery, how guarded—Defective machines, etc.—Powers of commissioner—The intaking side of all engaging-toothed or other gears, rolls, drums and slides of every description on any type of machine; the spaces between fixed and moving parts of or at any machine, or between the latter or any part of it and structures near it, leaving insufficient clearance for any person employed thereon or near it; all pulleys and clutches; all belts, cables, bands and driving ropes or chains; all fly wheels, shafting, spindles, levers, connecting rods and links, couplings, or projections thereon, or upon reciprocating or moving parts of machines; all counter weights and balance gears and their suspension; all dangerous parts of machinery; all systems of electrical wiring and transmissions, all dynamos and other electrical apparatus and appliances of every description; and all prime movers in any factory, school, mercantile establishment, mill, workshop, engineering operation, or other places where persons are employed, or otherwise engaged, shall be fenced, boxed or otherwise protected to the fullest degree practicable; provided, however, that the above shall apply only to all machinery and apparatus above described when located less than six (6) feet above the working floor. All machinery, apparatus, furniture, fixtures, ways, structures, and other equipment shall be so placed or guarded in relation to one another as to be safe for all persons thereabouts employed, and all points which are rendered unsafe by the relative positions of such things shall be securely guarded. Every dangerous place of every description in or near to which any employee is obliged to pass or to be employed, shall be securely fenced, enclosed, or otherwise protected. No grindstone, tool, or appliance, or machine of any description shall be used when the same is known to be cracked or otherwise defective. If a machine or any part thereof is in a dangerous condition or is not properly guarded, the use thereof may be prohibited by the commissioner of labor or any factory inspector and a notice to that effect shall be attached thereto. Such unsafe or dangerous machinery shall not be used until made safe. ('13 c. 316 § 1)

Under R. L. § 1813.

Object of statute to protect workmen, whether operating the machinery or working about it. To be construed so as to carry out this object. Immaterial that owner could no reasonably have anticipated injury in the precise way it occurred (70-161, 72+1062; 83-25, 85+826, 85 Am. St. Rep. 440; 93-242, 101+300, 3 Ann. Cas. 39). Does not change common law rule as to contributory negligence or assumption of risk (67-79, 69+630; 82-407, 85+157; 89-132, 94+436; 91-509, 98+645; 93-242, 101+300, 3 Ann. Cas. 39; 110-40, 124+450; 112-360, 128+297; 126 Fed. 524, 61 C. C. A. 506; 182 Fed. 42, 104 C. C. A. 482). What constitutes contributory negligence or assumption of risk (110-40, 124+450; 118-357, 136+1039). Expert workmen neglecting to use safety devices furnished by employer assume the risks. Guards must not only be furnished; they must be maintained (93-242, 101+300, 3 Ann. Cas. 39; 107-17, 119+483). Duty to guard cannot be shifted by leasing premises (70-161, 72+1062). Said to be declaratory of common law (91-317, 97+977. But see 109-30, 122+465, 18 Ann. Cas. 130). Limited to protection of employees (78-3, 80+693, 79 Am. St. Rep. 350; 117-348, 135+1129, 39 L. R. A. [N. S.] 237). Liability in case of children (90-431, 97+137, 101 Am. St. Rep. 416; 95-356, 104+291; 107-74, 119+510, 22 L. R. A. [N. S.] 309).

Mere fact that machinery had not been manufactured with guard, or that it had not been customary to use guards is not excuse (105-80, 117+238, 18 L. R. A. [N. S.] 593. See, also, 101-325, 112+262).

R. L. §§ 1813-1815, providing for protection of employes, while it does not change the common law as to contributory negligence or assumption of risk, does so change it that, if practicable to guard dangerous machinery, it must be guarded, and failure is negligence per se (109-30, 123+807, 19 Ann. Cas. 130; 118-357, 136+1039. See, also, 105-80, 117+238, 18 L. R. A. [N. S.] 593; 107-567, 119+481).

Location of machinery, sufficiency of guards, and necessity or liability of operator coming in contact with it, are to be submitted to jury (109-481, 124+235).

Bag-turning machine within statute (107-214, 120+359).

Held to apply for protection of coal shoveler at elevator, who was also in charge of en-

gine. Walls of engine house, twelve feet square, did not constitute compliance (107-26, 120+360).

Whether shaft to wood-sawing machine should be guarded in other manner than as protected by feeding trough held for jury (108-51, 121+227).

Pumphouse within section (112-360, 128+297).

Cited (68-305, 71+276; 70-538, 73+510; 80-393, 83+389; 85-13, 88+261; 86-328, 90+573; 89-354, 94+1079; 101-58, 111+841; 104-354, 116-348).

See note under § 3863.

3863. Same—Belt shifters, loose pulleys, etc.—Every owner of a factory, mill or workshop where machinery is in use shall furnish or cause to be furnished, whenever practicable, belt shifters or other safe mechanical contrivance for the purpose of throwing belts on or off pulleys; and whenever practicable, machinery shall be provided with loose pulleys. Whenever in the opinion of the labor commissioner it becomes necessary, exhaust fans of sufficient power or other devices shall be provided for carrying off dust from emery wheels, grindstones and other dust creating machinery. ('13 c. 316 § 2)

Under R. L. § 1814—101-58, 111+841.

Applied to owners of grain elevators (111-275, 126+903).

That it is inconvenient, involves expense, and necessitates additional space to provide belt shifters or loose pulleys, does not conclusively show that it is not practicable (114-278, 130+1106).

See note under § 3862.

3864. Communication between rooms where machinery propelled by steam—Where the machinery is propelled by steam communication shall be provided between each workroom in which machinery is placed and the room in which the engineer is stationed by means of speaking tubes, electric bells, telephones or appliances that may control the motive power. ('13 c. 316 § 3)

3865. Prime mover—Distance from floor—No part of the motors, gearing, belts, pulleys, shafts, or clutches or other apparatus conveying the power of a prime mover to machines shall be less than six feet from the floor unless it is securely guarded. ('13 c. 316 § 4)

3866. Manufacture and sale of unguarded machines prohibited—Whenever practicable the points of danger in any machine or mechanism shall be securely guarded by the maker, and the manufacture or sale of any machine or mechanism not so guarded is hereby prohibited. ('13 c. 316 § 5)

3867. Rails and foot guards—Stairways—All vats, pans or other receptacles containing molten metal or hot or corrosive liquids, or otherwise dangerous liquids, below the floor level; all pits or other openings in the floor or surface of the ground; all gangways and inclined footways, or other places from which a person might fall; shall be provided with adequate hand rails and foot guards or other equally effective protection, and in establishments where women are employed or where it is deemed necessary by the labor commissioner, stairways shall be built solid and without openings between the treads. ('13 c. 316 § 6)

3868. Same—Certain places, etc., to be lighted—All stairways and inclined footways, and all points where there is a break or change in the floor level or in the character of the floor surface, where persons may have to walk or pass, and all dangerous places, all prime movers and all moving parts of machinery where, on or about which persons work or pass, or may have to work or pass in emergencies, shall be kept properly and sufficiently lighted during working hours. ('13 c. 316 § 7)

3869. Removing safety appliances—No employees in any factory, mill, workshop, or upon any engineering work, nor any other person, by permission or otherwise, shall remove, displace or destroy any guard for dangerous machinery, or other safety device, which the employer shall have provided under the requirements of this chapter, or any other law, save under rules established by the employer therefor. Safety appliances removed for the purpose of making repairs, adjustments, or for other purposes permitted or required by the employer shall be immediately replaced when such purpose is accomplished. ('13 c. 316 § 8)

3870. Children under 16 not to be employed in certain occupations—No children, under the age of sixteen (16) years, shall be employed at sewing belts, or to assist in sewing belts in any capacity whatever; nor shall any such children adjust any belt to any machinery; they shall not oil, or assist in oiling, wiping

or cleaning machinery; they shall not operate or assist in operating circular or band saws, wood shapers, wood-jointers, planers, and paper or wood polishing machinery, emery or polishing wheels used for polishing metal, wood-turning or boring machinery, stamping machines in sheet metal and tinware manufacturing, stamping machines in washer and nut factories; nor as pin boys in bowling alleys; they shall not operate or assist in operating dough brakes or cracker machinery of any description; wire or iron straightening machines, nor shall they operate or assist in operating rolling mill machines, punches or shears, washing, grinding or mixing mill or calendar rolls in rubber manufacturing; nor shall they operate or assist in operating laundry machinery; nor shall they be employed in any capacity in preparing any composition in which dangerous or poisonous acids are used; and they shall not be employed in any capacity in the manufacture of paints, colors or white lead; nor shall they be employed in any capacity whatever in the manufacture of goods for immoral purposes, or any other employment dangerous to their lives or limbs or their health or morals. No woman shall be required or permitted to oil or clean moving machinery. ('13 c. 316 § 9)

3871. Same—No person shall employ or permit any child under the age of sixteen years to have the care, management or operation of any elevator, nor shall they be employed in operating any steam boiler or other steam generating apparatus. ('13 c. 316 § 10)

3872. Crowding of floor space prohibited—The floor space in any factory, mill, workshop or mercantile establishment shall not be crowded with machinery in a manner dangerous to employees, or in excess of the sustaining power of floors or walls, nor be overcrowded with materials or products so as to be a menace to employees or in excess of the sustaining power of the floor and walls. ('13 c. 316 § 11)

3873. Protection of hoistways, elevators, etc.—Every hoisting apparatus used in the construction of any building; every hoistway, hatchway, elevator well, and wheel hole in any factory, mill, workshop, storehouse, wareroom, or store, shall be securely protected on each floor by a substantial barrier at least three feet and six inches high, which shall be kept closed except when necessarily opened for use. Every elevator car used for either freight or passenger shall be provided with some suitable mechanical device by which it can be securely held in the event of accident to the rope or hoisting machinery. ('13 c. 316 § 12)

Under R. L. § 1815—70-161, 72+1062; 78-3, 80+693, 79 Am. St. Rep. 350.

Failure to guard as negligence per se (112-138, 127+482).

Duty of lessee and liability of lessor (103-189, 114+745).

G. S. 1894 § 2250 did not abrogate common law as to contributory negligence (99-7, 108+811).

Evidence of contributory negligence and assumption of risks held to preclude recovery (113-394, 129+593).

Includes hoists erected on outside and adjacent to building in process of erection (116-295, 133+861).

Openings in floor of barn in process of construction, to be used for putting down hay, are not within statute (114-165, 130+943).

See note under § 3862.

3874. Scaffolds, hoists, etc.—Duty of inspector—Overhead walks, etc.—Whenever practicable, all scaffolds, hoists, cranes, stays, supports, or other mechanical contrivances, erected or constructed by any person, firm or corporation, in this state, for the use in erection, repairing, alteration, removal, cleaning or painting of any house, building, bridge, viaduct, or other structure shall be erected and constructed in a safe, suitable and proper manner, and shall be so erected and constructed, placed and operated, as to give proper and adequate protection to the life and limb of any person or persons employed or engaged thereon, and to any persons or employees passing under or in proximity to the same. Whenever a state factory inspector shall find that the scaffolding or the slings, hangers, blocks, pulleys, stays, braces, irons, or ropes of any swinging or stationary scaffolding, platform, or other similar device, used in the construction, alteration, repairing, removing, cleaning, or painting of buildings, bridges or viaducts within this state, or in factories, work shops, mills, or mercantile establishments, are unsafe or liable to prove

dangerous to the life or limb of any person, he shall at once notify the person responsible for its creation or maintenance, either personally or by mail, and a notice of danger shall also be affixed to said scaffold, platform or other such device, which shall be made safe before further use. Wherever practicable, scaffolding, staging, runways, oiling platforms and all other overhead walks or standing places among or suspended from an overhead support, or rising from the ground floor and more than five (5) feet from the ground or floor, shall have a safety rail properly bolted or otherwise fastened, secured and braced, rising at least thirty-four (34) inches above the floor of said scaffolding, staging, platform or other overhead walk or standing place, and extending along the entire length of the outside and ends thereof, and properly attached thereto, unless equal protection is afforded in another manner, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure to which it is attached or toward which an employé must work. Persons employed upon swinging scaffolds shall use a life line securely fastened to their persons and to some secure support other than said swinging scaffold. ('13 c. 316 § 13)

3875. Same—Substantial construction—Repair—All floors, standing places, stairways, inclined footways and ladders and all hand rails or similar protection shall be of substantial construction and at all times shall be kept in good order and repair and so as to be firm and safe for the uses to which they are put. ('13 c. 316 § 14)

3876. Same—Buildings of 3 stories in construction—Planking iron or steel beams—On all buildings three (3) stories or more in height where floor beams are of iron or steel, the contractor for the iron or steel work of such buildings in the course of construction, or the owners of such buildings, shall plank over the entire tier of iron or steel beams on the floor next below the one on which such structural iron or steel is being erected, except such space as may be reasonably required for the proper construction of such iron or steel work, and for the raising and lowering of materials to be used in the construction of such buildings, or such spaces as may be designated by the plans and specifications for stairways, elevator-shafts and other openings. ('13 c. 316 § 15)

3877. Same—Warning notices—The employer shall post such warning notices and instructions and cause dangerous places to be indicated in such manner as the labor commissioner shall require. ('13 c. 316 § 16)

- **3878. Same—Fire escapes—Doors—Hand rails—**Every building in which laborers are employed shall be provided with sufficient means of escape in case of fire, by more than one way of egress, each of which shall be at all times free from obstruction and ready for immediate use, and every such egress shall be provided with a sign having on it the word "exit" in letters not less than five inches in height and so as plainly to indicate to persons within the building the location of such egresses. Every door leading in or to any such building shall be so constructed as to open outward, when possible, and shall not be so fastened during the working hours as to prevent free egress. Substantial hand rails shall be provided on all stairways in every such building. ('13 c. 316 § 17)

3879. Same—External fire escapes—Stairs, ladders, etc.—Metal doors—Wire glass—Inflammable articles—Fire protection—If any such building where persons are employed be more than two stories high, it shall be the duty of the owner of such building to provide at least one fire escape, and as many more as the labor commissioner may require, not exceeding one additional fire escape for every one hundred persons employed above the first floor. Every such fire escape shall be on the outside of the building, connecting on each floor above the first with at least two openings; shall be well fastened and secured, with landings not less than six feet in length and three in width, guarded by an iron railing not less than three feet in height. Such landings shall be connected by iron stairs, not less than two feet wide, and with steps of not less than six-inch treads, placed at an angle of not more than forty-five degrees, and protected by a well secured hand rail on both sides, with an automatic drop ladder, two feet wide, reaching from the lower

platform to the ground. Such fire escape shall be sufficient if constructed on any other plan approved by the labor commissioner. The openings to each fire escape shall be as far as practicable from the stairways and elevator shafts, and the ladder of each fire escape shall extend to the roof. Stationary stairs or ladders shall also be provided on the inside from the upper story to the roof. All doors onto a fire escape shall be metal covered, and all glass used in doors or windows above the first floor opening onto a fire escape or directly under a fire escape shall be wire glass. A suitable disposition shall be made of all inflammable articles and suitable waste cans or barrels shall be provided for the proper handling of sweepings, oily waste or other combustible material, as directed by the labor commissioner. Each factory, mill and workshop more than two stories high shall also be provided with inside and outside standpipes, and with hose connected therewith, as required in the case of hotels of the same height, and with chemical fire extinguishers or pails of water or sand on each floor, always ready for use. ('13 c. 316 § 18)

3880. Same—Notices, etc., how served—Liability of owners, etc.—Every order, suggestion, or notice served upon any employer of labor, owner or manager of any building, or other person, shall be certified by a receipt for the same taken by the officer or employee of the labor department serving such order, suggestion or notice, which receipt shall be signed by the owner, manager or superintendent of said employer. No liability to any person other than an employee shall attach to any owner of any factory, mill, workshop, engineering works, or mercantile establishment, because of the provisions of this act, until notice to comply with the terms of this act has been served upon such owner by an officer or employee of the labor department of this state, and reasonable time to comply with such notice has elapsed. ('13 c. 316 § 19)

3881. Same—Penalties for violations—Prosecution, when to be commenced—Every person who violates or fails to comply with any requirement of this chapter, or disregards any order, notice or direction of any member or employee of the labor department made in accordance with its provisions, or who obstructs or interferes with any inspection being made pursuant thereto, or who removes from any machine any notice stating that such machine is dangerous and unsafe, or who operates any such machine while such notice is attached and such machine is still unguarded and unsafe, shall be guilty of a misdemeanor, the minimum penalty whereof shall be a fine of twenty-five dollars, or imprisonment for fifteen days. But whenever notice is required before prosecution, no criminal proceeding shall be commenced until thirty days after such notice, nor then, if within such time the requirements of the notice have been met; Provided, that if such requirement be to put a water-closet or privy in sanitary condition, where the only defect is due to carelessness in its management, or to put an elevator in safe condition, only forty-eight hours shall be allowed. In case of application to the court to restrain, the time aforesaid shall not begin to run until the decision thereon. ('13 c. 316 § 20)

3882. Same—"Prime mover" defined—Other terms, how interpreted—The term "prime mover" as used in this act shall include all steam, gas, oil, or other kinds of engines, and also all electrical apparatus which generates, converts, or transmits power.

The words "guard," "guarded," "safeguard," "safeguarded" and "protection," shall be given a broad interpretation, so as to include any practicable method of mitigating or preventing a specific danger. ('13 c. 316 § 21)

3883. Same—Laws repealed—Sections 1813, 1814, 1815, 1816, 1817, 1820 and 1824, Revised Laws of 1905, and sections 1, 2, 3, 4, 5, and 7 of chapter 288, General Laws of 1911, and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed. ('13 c. 316 § 22)

3884. Corn shredders, etc.—Safety devices to be approved by commissioner—Sale, when prohibited—No person, firm or corporation shall sell, offer or expose for sale any machine to be operated by steam or other power, for the purpose of husking or shredding corn, or corn stalks unless the said machine shall be provided with reasonable safety devices approved by the commissioner of labor for the protection from accidents from the snapping

rollers and husking rollers, and shall be so guarded that the person feeding said machine shall be compelled to stand at a reasonable safe distance from the snapping rollers. ('11 c. 354 § 1)

3885. Same—Machines purchased prior to act—No person, firm or corporation shall use, operate or permit to be used or operated any such machine purchased prior to the passage and publication of this act, unless during all the time such machine shall be used and operated, it shall be in charge of a competent person, whose sole duty shall be to oversee and attend to the operating and use of the same. ('11 c. 354 § 2)

3886. Same—Penalty for violation—Any such person, firm or corporation, who shall violate any of the provisions of this act shall be punished by a fine of not less than twenty-five dollars (\$25) or more than one hundred dollars (\$100.00) for each offense. ('11 c. 354 § 3)

3887. Cleanliness, etc.—Every building in which labor is employed shall be kept clean and free from effluvia arising from any sewer, drain, or privy, be properly ventilated; and provided with privies for the separate use of male and female employes, to the number of at least one of such closets for each twenty-five persons employed, properly screened, and at all times kept in a sanitary condition. Whenever the labor performed is such as to require a change of clothing, separate dressing rooms shall be provided for the sexes. Suitable receptacles for sputum shall be provided by the employers, the same to be of such form and construction and of such number as shall be satisfactory to the state board of health, or the commissioner of labor and his assistants. (R. L. § 1818, amended '11 c. 288 § 6)

3888. Underground apartments, etc.—No basement, cellar, underground apartments, or other place which the commissioner of labor shall condemn as unhealthy and unsuitable shall be used as a workshop, factory or place of business in which any person or persons shall be employed. ('09 c. 289 § 1)

3889. Same—Penalty for violation—Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars, nor less than twenty-five dollars, or by imprisonment for not more than ninety days, nor less than thirty days, or by both such fine and imprisonment, for each offense. ('09 c. 289 § 2)

3890. Bakeries and confectionery establishments—Every bakery and confectionery establishment shall be of good workmanship, well drained, and constructed and plumbed according to established sanitary principles. Every room used for the manufacture, storage, or sale of bread or other food products shall be light, dry, and airy. The floors and walls of every room used for the manufacture of such food products shall be so constructed as to exclude rats and other vermin, be at all times free from moisture, and kept in good repair. Its floor shall have a smooth surface, constructed of wood, cement, or tile laid in cement, save that, when it is more than four feet below the level of the street or adjacent ground, it shall never be constructed of wood. Its walls and ceilings shall be whitewashed at least once in three months, and the floors, utensils, and furniture of such room, and of every room used for the storage or sale of such food products, shall be so arranged as to be easily kept clean, and, together with the wagons used for its delivery, shall be kept in a clean and sanitary condition. No water-closet, earth-closet, privy, ash pit, or sleeping room for workmen shall be in, or communicate directly with, any bakeroom or with the kitchen of any hotel or public restaurant. (1819)

3891. Report of accidents—Whenever any accident to an employee, resulting in death or requiring the aid of a surgeon, occurs in connection with any factory, mill, workshop, or any engineering work, the employer, superintendent, or agent in charge, within ten days thereafter, shall furnish the labor commissioner with written notice thereof, stating as fully as possible the time and place of its occurrence, the name and residence of the person

killed or injured, and, in case of injury, the place to which he has been removed. (1821)

3892. Accidents—Reports by employers to commissioner—It is hereby made the duty of every employer of labor, engaged in industrial pursuits, to make or cause to be made report of any accident to an employee, which occurs in the course of his or her employment and which causes death or serious injury, within 48 hours of the occurrence of such injury and of all other accidents which occur to any of its, his or their employees within the scope of their employment within fourteen days after the occurrence of such accident. Provided that such injuries are sufficient to wholly or partially incapacitate the person injured from labor or service for more than one week, which report shall be made in writing to the commissioner of labor of the state, giving:

- (a) Name, age, sex and occupation of injured person.
- (b) Date on which accident occurred and hour of day.
- (c) Whether person injured could speak English.
- (d) Occupation of employer.
- (e) The cause of injury.
- (f) The nature and extent of the injury and the probable length of disability.
- (g) The name and address of the attending surgeon.
- (h) Wages injured person was earning.
- (i) Length of time in service of employer and length of time at employment which injured.

Provided, that accidents required to be reported within 48 hours may be reported by telegram, telephone or personal notice. The written report of such accident shall then be made within 14 days or at such time as the commissioner of labor shall designate. The commissioner of labor may require such supplementary reports on any accident as he deems necessary for the securing of the information required by this law. ('13 c. 416 § 1)

Section 6 repeals 1909 c. 235, and all other inconsistent acts, etc.

3893. Same—Settlements and releases—Copies of all settlements made or releases obtained in respect to industrial accidents occurring in the state of Minnesota shall be filed with the labor commissioner. ('13 c. 416 § 2)

3894. Same—Failure to report misdemeanor—The failure to make such reports on the part of any person, co-partnership or corporation required hereby to make the same, within the time herein specified, is hereby declared to be a misdemeanor. ('13 c. 416 § 3)

3895. Same—Reports as evidence—Not open to public—No report herein required to be made nor any part thereof, shall be admitted in evidence or referred to at the trial of any action, or in any judicial proceedings whatsoever, except prosecutions for the violation of this act.

No such report nor any part thereof, nor any copy of the same, nor any part thereof, shall be open to the public, nor shall any of the contents thereof be disclosed in any manner, by any official or clerk or other employee of the state having access thereto, but the same may be used for state investigations and statistics only. Any such disclosure is hereby declared to be a misdemeanor and punishable as such. ('13 c. 416 § 4)

3896. Accidents—Reports by indemnity companies to commission—Every indemnity, casualty and employers' liability company doing business in this state, shall, on or before the first day of October, 1909, file with the Minnesota employes' compensation commission a written report upon blanks to be furnished by said commission, of all accidents occurring in this state between July 1, 1906, and July 1, 1908, of which it has had notice, resulting in bodily injury to the employes of persons, firms or corporations to whom it has issued policies of insurance. Such written reports shall contain the following information relative to each of said accidents, or so much thereof as is disclosed by the books and records of the company making such report, to-wit:

- (a) Date of injury.
- (b) Age, sex and occupation of the injured person.
- (c) Occupation of the employer.

- (d) The cause and manner in which the injury happened.
- (e) The nature and extent of the injury and the length of disability.
- (f) The wages the injured person was earning and the length of time he had been so employed.
- (g) Whether it was claimed that the injury was caused by
 - One (1) The wilful or gross negligence of the injured party;
 - Two (2) The negligence of a fellow servant;
 - Three (3) Contributory negligence of the injured party;
 - Four (4) Defective machinery or appliances furnished by the employer;
 - Five (5) Whether it was claimed that the injured party assumed the risk of his employment.
- (h) Whether a settlement has been made with the injured person or his legal representatives.
- (i) The amount paid in such settlement.
- (j) The amount, if any, paid for doctor's and hospital bills in connection with such injury.
- (k) Whether the injured person was represented by an attorney.
- (l) Whether any action at law had been brought by the injured person or his representatives to recover damages for said injury, and if so, the result of such action.
- (m) What amount, if any, is carried as reserve for such case if loss is unadjusted. ('09 c. 234 § 1)

Section 2 provided for a report in 1910.

3897. Same—Penalty for refusal—Failure or refusal on the part of any such corporation to make and file the reports required by the preceding two sections shall be ground for the suspension or revocation by the insurance commissioner of the certificate of authority of any such corporation to transact business within the state. ('09 c. 234 § 3)

3898. Same—Report as evidence, etc.—No report herein required to be made, nor any part thereof, shall be admitted in evidence or referred to at the trial of any action, or in any judicial proceedings whatsoever, except prosecutions for the violation of this act. No such report, nor any part thereof, nor any copy of the same, nor any part thereof, shall be open to the public, nor shall any of the contents thereof be disclosed in any manner by any official or clerk or other employé of the state having access thereto, but the same may be used for state investigations and statistics only. Any such disclosure is hereby declared to be a misdemeanor, and punishable as such. ('09 c. 234 § 4)

3899. Physicians to send notice of certain cases of poison to commissioner—Every physician attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury or their compounds, or from anthrax, or from compressed air illness, contracted as a result of the nature of the patient's employment shall send to the commissioner of labor a notice stating the name and full postal address and place of employment of the patient and the disease from which in the opinion of the physician, the patient is suffering, with such other specific information as may be required by the commissioner of labor and which may be ascertained by the physician in the course of his duties. ('13 c. 21 § 1)

3900. Same—Failure a misdemeanor—If any physician, when required by section 1 [3899] of this act to send a notice, fails forthwith to send same, he shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding ten dollars, or by imprisonment in the county jail for not exceeding ten days. ('13 c. 21 § 2)

3901. Same—Commissioner to enforce—It shall be the duty of the commissioner of labor to enforce the provisions of this section, and he may call upon the state and local boards of health for assistance. ('13 c. 21 § 3)

3902. Interference with employment—No individual, corporation, member of any firm, or any agent, officer, or employee of any of them, shall contrive or conspire to prevent any person from obtaining or holding any employment, or discharge, or procure or attempt to procure the discharge of, any person from employment, by reason of his having engaged in a strike. (1822)

3903. **Conditions precedent not required**—No person, whether acting directly or through an agent, or as the agent or employee of another, shall require, as a condition precedent to employment, any written statement as to the participation of the applicant in a strike, or as to his personal record, save as to his conviction of a public offence, for more than one year immediately preceding the date of his application therefor; nor shall any person, acting in any of the aforesaid capacities, use or require blanks or forms of application for employment in contravention of this section. (1823)

MINIMUM WAGE COMMISSION

3904. **How constituted—Terms**—There is hereby established a commission to be known as the minimum wage commission. It shall consist of three persons, one of whom shall be the commissioner of labor who shall be the chairman of the commission, the governor shall appoint two others, one of whom shall be an employer of women, and the third shall be a woman, who shall act as secretary of the commission. The first appointments shall be made within sixty days after the passage of this act for a term ending Jan. 1, 1915. Beginning with the year 1915 the appointments shall be for two years from the first day of January and until their successors qualify. Any vacancy that may occur shall be filled in like manner for the unexpired portion of the term. ('13 c. 547 § 1)

3905. **To investigate wages of women and minors**—The commission may at its discretion investigate the wages paid to women and minors in any occupation in the state. At the request of not less than one hundred persons engaged in any occupation in which women and minors are employed, the commission shall forthwith make such investigation as herein provided. ('13 c. 547 § 2)

3906. **Duties of employers—Register**—Every employer of women and minors shall keep a register of the names and addresses of and wages paid to all women and minors employed by him, together with number of hours that they are employed per day or per week; and every such employer shall on request permit the commission or any of its members or agents to inspect such register. ('13 c. 547 § 3)

3907. **Public hearings—Witnesses, etc.**—The commission shall specify times to hold public hearings at which employers, employees, or other interested persons may appear and give testimony as to wages, profits and other pertinent conditions of the occupation or industry. The commission or any member thereof shall have power to subpoena witnesses, to administer oaths, and to compel the production of books, papers, and other evidence. Witnesses subpoenaed by the commission may be allowed such compensation for travel and attendance as the commission may deem reasonable, to an amount not exceeding the usual mileage and per diem allowed by our courts in civil cases. ('13 c. 547 § 4)

3908. **Legal minimum wages to be established**—If after investigation of any occupation the commission is of opinion that the wages paid to one-sixth or more of the women or minors employed therein are less than living wages, the commission shall forthwith proceed to establish legal minimum rates of wages for said occupation, as hereinafter described and provided. ('13 c. 547 § 5)

3909. **Wages, how determined—Order of commission—Copies to be mailed and posted**—The commission shall determine the minimum wages sufficient for living wages for women and minors of ordinary ability, and also the minimum wages sufficient for living wages for learners and apprentices. The commission shall then issue an order, to be effective thirty days thereafter, making the wages thus determined the minimum wages in said occupation throughout the state, or within any area of the state if differences in the cost of living warrant this restriction. A copy of said order shall be mailed, so far as practicable, to each employer affected; and each such employer shall be required to post such a reasonable number of copies as the commission may determine in each building or other workplace in which

affected workers are employed. The original order shall be filed with the commissioner of labor. ('13 c. 547 § 6)

3910. Advisory boards—Powers and duties of commission—The commission may at its discretion establish in any occupation an advisory board which shall serve without pay, consisting of not less than three nor more than ten persons representing employers, and an equal number of persons representing the workers in said occupation, and of one or more disinterested persons appointed by the commission to represent the public; but the number of representatives of the public shall not exceed the number of representatives of either of the other parties. At least one-fifth of the membership of any advisory board shall be composed of women, and at least one of the representatives of the public shall be a woman. The commission shall make rules and regulations governing the selection of members and the modes of procedure of the advisory boards, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and determination of said boards. Provided: that the selection of members representing employers and employees shall be, so far as practicable, through election by employers and employees respectively. ('13 c. 547 § 7)

3911. Powers and duties of boards—Estimates of wages to be recommended—Each advisory board shall have the same power as the commission to subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Witnesses subpoenaed by an advisory board shall be allowed the same compensation as when subpoenaed by the commission. Each advisory board shall recommend to the commission an estimate of the minimum wages, whether by time rate or by price rate, sufficient for living wages for women and minors of ordinary ability, and an estimate of the minimum wages sufficient for living wages for learners and apprentices. A majority of the entire membership of an advisory board shall be necessary and sufficient to recommend wage estimates to the commission. ('13 c. 547 § 8)

3912. Commission to review—May determine wages in conformity—Upon receipt of such estimates of wages from an advisory board, the commission shall review the same, and if it approves them shall make them the minimum wages in said occupation, as provided in section 6 [3909]. Such wages shall be regarded as determined by the commission itself and the order of the commission putting them into effect shall have the same force and authority as though the wages were determined without the assistance of an advisory board. ('13 c. 547 § 9)

3913. Wages to remain in force, etc.—New rates—All rates of wages ordered by the commission shall remain in force until new rates are determined and established by the commission. At the request of approximately one-fourth of the employers or employees in an occupation, the commission must reconsider the rates already established therein and may, if it sees fit, order new rates of minimum wages for said occupation. The commission may likewise reconsider old rates and order new minimum rates on its own initiative. ('13 c. 547 § 10)

3914. Employment at lesser wage—Special license—For any occupation in which a minimum time rate of wages only has been ordered the commission may issue to a woman physically defective a special license authorizing her employment at a wage less than the general minimum ordered in said occupation; and the commission may fix a special wage for such person. Provided: that the number of such persons shall not exceed one-tenth of the whole number of workers in any establishment. ('13 c. 547 § 11)

3915. Employment at less than minimum wage prohibited—Every employer in any occupation is hereby prohibited from employing any worker at less than the living wage or minimum wage as defined in this act and determined in an order of the commission; and it shall be unlawful for any employer to employ any worker at less than said living or minimum wage. ('13 c. 547 § 12)

3916. Discrimination against certain employees prohibited—It shall likewise be unlawful for any employer to discharge or in any manner discriminate against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee is about to testify, in any investigation or proceeding relative to the enforcement of this act. ('13 c. 547 § 13)

3917. Actions to recover full wages—Any worker who receives less than the minimum wage ordered by the commission shall be entitled to recover in civil action the full amount due as measured by said order of the commission, together with costs and attorney's fees to be fixed by the court, notwithstanding any agreement to work for a lesser wage. ('13 c. 547 § 14)

3918. Commission to enforce, etc.—The commission shall enforce the provisions of this act, and determine all questions arising thereunder, except as otherwise herein provided. ('13 c. 547 § 15)

3919. Biennial report—The commission shall biennially make a report of its work to the governor and the state legislature, and such reports shall be printed and distributed as in the case of other executive documents. ('13 c. 547 § 16)

3920. Expenses and salary—The members of the commission shall be reimbursed for traveling and other necessary expenses incurred in the performance of their duties on the commission. The woman member shall receive a salary of eighteen hundred dollars annually for her work as secretary. All claims of the commission for expenses necessarily incurred in the administration of this act, but not exceeding the annual appropriation hereinafter provided, shall be presented to the state auditor for payment by warrant upon the state treasurer. ('13 c. 547 § 17)

3921. Appropriation—There is appropriated out of any money in the state treasury not otherwise appropriated for the fiscal year ending July 31st, 1914, the sum of five thousand dollars (\$5,000.00), and for the fiscal year ending July 31st, 1915, the sum of five thousand dollars (\$5,000.00). ('13 c. 547 § 18)

3922. Violation by employer misdemeanor—Any employer violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for each offense by a fine of not less than ten nor more than fifty dollars or by imprisonment for not less than ten nor more than sixty days. ('13 c. 547 § 19)

3923. Construction of terms—Throughout this act the following words and phrases as used herein shall be considered to have the following meanings respectively, unless the context clearly indicates a different meaning in the connection used:

(1) The terms "living wage" or "living wages" shall mean wages sufficient to maintain the worker in health and supply him with the necessary comforts and conditions of reasonable life; and where the words "minimum wage" or "minimum wages" are used in this act, the same shall be deemed to have the same meaning as "living wage" or "living wages."

(2) The terms "rate" or "rates" shall mean rate or rates of wages.

(3) The term "commission" shall mean the minimum wage commission.

(4) The term "woman" shall mean a person of the female sex eighteen years of age or over.

(5) The term "minor" shall mean a male person under the age of twenty-one years, or a female person under the age of eighteen years.

(6) The terms "learner" and "apprentice" may mean either a woman or a minor.

(7) The terms "worker" or "employee" may mean a woman, a minor, a learner, or an apprentice, who is employed for wages.

(8) The term "occupation" shall mean any business, industry, trade, or branch of a trade in which women or minors are employed. ('13 c. 547 § 20)

INSPECTORS OF MINES

3924. Appointment—Term—Compensation—Removal—That the board of commissioners of any county in this state where there are at least five mines situate and in operation is hereby authorized and directed on or before the first

day of July, 1905, to appoint an inspector of mines, who shall hold office for the term of three years or until his successor is appointed and qualified for the purpose of discharging the duties hereinafter prescribed; to fix the compensation and traveling expenses of such inspector and provide for the payment of the same, and to remove such inspector and appoint another in his place whenever in the judgment of said board the best interests of the owners and employes of such mines may so require, and to fill vacancies arising from any other cause than removal. ('05 c. 166 § 1)

3925. Qualifications—Salary and expenses—Oath—Bond—Such inspector of mines shall be at least twenty-five years of age, a citizen of the state of Minnesota and a resident of the county wherein he is appointed, shall be of good moral character and temperate habits, and shall have had previous to his appointment practical experience as a miner or otherwise engaged as an employe in mines of the state at least six years, or a mining engineer having had previous to his appointment at least two years' practical experience in iron mines and iron mining and having had at least one year's such experience in this state. He shall not while in office in any way be interested as an owner, operator, agent, stockholder or engineer of any mine. He shall make his residence or have his office in the mining district of the county for which he is appointed. The salary of the inspector of mines shall be such sum as shall be fixed by the board of county commissioners, not exceeding two thousand dollars per annum, and he shall in addition be allowed actual traveling expenses not to exceed six hundred dollars in any one year. He shall file with the county auditor an itemized account of his expenses every three months, verified by his affidavit, showing that they have been incurred in the discharge of his official duties. He shall before entering upon the discharge of the duties of his office, take an oath before some person authorized by law to administer oaths that he will support the constitution of the United States and the constitution of the state of Minnesota and that he will faithfully, impartially and to the best of his ability, discharge the duties of his office, and he shall file a certificate of his having done so in the office of the auditor of the county for which he is appointed, and he shall also give a bond payable to said board of commissioners in the penal sum of five thousand dollars, with good and sufficient sureties to be approved by the board of county commissioners of the county for which he is appointed, conditioned that he will faithfully discharge the duties of his office, and said bond shall be filed with the county auditor of such county. ('05 c. 166 § 2, amended '11 c. 133 § 1)

3926. Duties—The duties of the inspector of mines shall be to visit all the working mines of his county at least once in every ninety days and oftener if requested so to do as hereinafter provided, and closely inspect the mines so visited and condemn all such places where he shall find that the employes are in danger from any cause, whether resulting from careless mining or defective machinery or appliances of any nature; he shall compel the erection of a partition between all shafts where hoisting of ore is performed, and where there are ladder ways, where men must ascend or descend going to and from their work. In case the inspector of mines shall find that a place is dangerous from any cause as aforesaid, it shall be his duty immediately to order the men engaged in work at the said place to quit work, and he shall notify the superintendent, agent or person in charge, to secure the place from the existing danger, which said notification or order shall be in writing, and shall clearly define the limits of the dangerous place, and specify the work to be done, or change to be made to render the same secure, ordinary mine risks excepted. It shall also be the duty of the inspector of mines to command the person, persons or corporation working any mine, or the agent, superintendent, foreman or other person having immediate charge of the working of any mine, to furnish all shafts, open pits, caves and shutes of such mine where danger exists with some secure safeguard at the top of the shaft, open pit, cave or shute so as to guard against accidents by persons falling therein or by material falling down the same, also a covering overhead on all the carriages on which persons ascend or descend up and down the shaft, if in his

judgment it shall be practicable and necessary for the purpose of safety. Provided, that when any mine is idle or abandoned it shall be the duty of the inspector of mines to notify the person, persons or corporation owning the land on which any such mine is situated or the agent of such owner or owners, to erect and maintain around all the shafts, caves and open pits of such mine a fence or railing suitable to prevent persons or domestic animals from accidentally falling into said shafts, caves or open pits. Said notice shall be in writing and shall be served upon such owner, owners or agent, personally, or by leaving a copy at the residence of any such owner or agent if they or any of them reside in the county where such mine is situated, and if such owner, owners or agent are not residents of the county such notice may be given by publishing the same in one or more newspapers printed and circulating in said county if there be one and if no newspaper be published in said county then in a newspaper published in some adjoining county, for a period of three consecutive weeks. ('05 c. 166 § 3)

3927. Requiring employes to work after order to quit—Liability of employer—If any person or persons are required to continue work in any place or places in which the inspector of mines has ordered employes to quit work as aforesaid, except to do such work as may have been by him required to be done in order to render such place or places safe, ordinary risks of mining excepted, the person or persons or corporations so requiring employes to work in such place or places shall be liable for all accidents causing injury or death to any employe arising by reason of such place or places not having been repaired or changed as required by said inspector. ('05 c. 166 § 4)

3928. Powers of inspector—Duties of owner—Penalty—It shall be lawful for the inspector of mines to enter, examine and inspect any and all mines and machinery belonging thereto at all reasonable times by day or by night, but so as not to obstruct or hinder the necessary workings of such mines, and it shall be the duty of the owner, operator or agent of every such mine upon the request of the inspector of mines to furnish for his inspection all maps, drawings and plans of the mine, together with the plans of all contemplated changes in the manner of working the mine or any part thereof; to furnish him with some suitable person or persons as he may desire to accompany him through the mine or any part thereof, and also to furnish him suitable ladders and other necessary appliances to make a proper inspection and to furnish upon request the inspector of mines with all necessary facilities for such entry, examination and inspection, and if the said owner, operator or agent aforesaid shall refuse to permit such inspection or to furnish the necessary facilities for such entry, examination and inspection and shall continue so to refuse or permit after written request therefor made by the inspector of mines, such refusal or neglect shall be deemed a gross misdemeanor and upon conviction therefor such owner, operator or agent shall be punished by a fine of not less than one hundred or more than five hundred dollars, for each and every offense. ('05 c. 166 § 5)

3929. Salary and expenses, how paid—Supplies—The salary and expenses of the inspector of mines shall be paid out of the treasury of the county for which he is appointed by vouchers similar to those used by other county officials. The board of county commissioners shall furnish the inspector of mines with the necessary books, stationery and supplies. ('05 c. 166 § 6)

3930. Demand for inspection—Examination—Whenever twenty or more persons working in any mine or place where mining is done, or the owner, operator or agent of any mine, shall notify the inspector of mines in writing that his services are needed, he shall immediately make an inspection thereof and shall examine as to the necessary precautions and general safety of the mines and see that all the provisions of this act are observed and strictly carried out. ('05 c. 166 § 7)

3931. Accidents—Duty of manager and inspector—Whenever by reason of any accident in any mine, loss of life or serious personal injury shall occur, it shall be the duty of the manager or superintendent of the mine, and in his absence the person or officer under him in charge of the mine, to give notice thereof forthwith to the inspector of mines, stating the particulars of such

accident, and the said inspector shall, if he deems it necessary from the facts reported, go immediately to the scene of such accident and make such suggestions and render such assistance as he may deem necessary in the premises and personally investigate the cause of such accident and take such steps as he may deem necessary for the safety of the employes of such mine and to prevent accidents of a like or similar nature. ('05 c. 166 § 8)

3932. Duty of owner—Supports, props, etc.—The owner, operators or agent of any mine shall at all times keep a sufficient and suitable supply of timber and logging on hand, when required to be used as supports, props or otherwise in the mining work, so that the workings of such mine may be rendered reasonably safe and secure. ('05 c. 166 § 9)

3933. Removal of fence, guard, etc.—Penalty—Any workman, employé or other person who shall open, remove or disturb any fence, guard or rail and not close or replace or have the same closed or replaced again around or in front of any shaft, test pit, shute, excavation, cave or land liable to cave, injure or destroy, whereby accident, injury or damage results, either to the mine or those at work therein, or to any other person, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding fifty dollars or imprisonment for not more than sixty days in the county jail for each and every such offense. ('05 c. 166 § 10)

3934. Annual report—It shall be the duty of the inspector of mines appointed under this act to make and file no later than September 1st of each year with the auditor of the county for which he is appointed and with the state commissioner of labor a full and complete report of all his acts, proceedings and doing hereunder for each year ending June thirtieth, stating therein, among other things, the number of visits and inspections made, the number of mines in operation, the number not in operation, the names of the mines, where located, the owners, lessees or managers, the names of the officers, the quantity of ore shipped, the number of men employed, the average wages for different kinds of work, the number of accidents, fatal or otherwise, the cause of such accidents, and such other information in relation to the subject of mines and mining inspection as he may deem of proper interest and beneficial to the mining interests of the state. Such report shall be included in the biennial report of the state commissioner of labor. ('05 c. 166 § 11)

3935. Violation by owner, etc.—Penalty—Any owner, operator or agent of any mine in this state violating the provisions of this act shall be deemed guilty of a gross misdemeanor and for each offense upon conviction shall be fined not less than one hundred dollars or more than five hundred dollars. ('05 c. 166 § 12)

3936. Neglect of inspector—Penalty—Removal—Any inspector of mines appointed hereunder failing to comply with the requirements of this act shall be guilty of a gross misdemeanor and upon conviction thereof shall be fined not less than one hundred or more than one thousand dollars and be dismissed from office, and the said board of commissioners shall remove him from office for neglect of duty, drunkenness, incompetency, malfeasance in office and other good cause. ('05 c. 166 § 13)

EMPLOYMENT BUREAUS

3937. License—Fee—Bond—No person, copartnership, or corporation shall conduct an employment bureau or agency and receive compensation for services as such, or solicit or procure laborers on the streets of a city or village without such person, co-partnership or corporation having a license. Any person, co-partnership, or corporation, desiring to conduct an employment bureau or agency, and to receive compensation for services as such or who wish to procure or solicit laborers on the streets of a city or village shall be entitled to a license therefor upon compliance with the conditions of this section. Application for such license shall be made by the person, or copartnership or when a corporation by its managing officer to the council of the city or village, wherein its principal place of business is located, or if outside a city or village, to the county board, and the applicant shall pay into the treasury of the city, village or county issuing the license a fee as here-

in provided and such license shall be issued for one year from the date of issue.

For a general employment bureau license, one hundred and fifty (150) dollars; which license shall authorize the holder thereof to secure employment for both males and females. For a male employment bureau license, one hundred (\$100) dollars; which license shall authorize the holder thereof to secure employment for males only. For a female employment bureau license, seventy-five (\$75.00) dollars; which license shall authorize the holder thereof to secure employment for females only. He shall also deliver to such council or board a bond to the state, to be approved by the council or board issuing the license, in the sum of two thousand (\$2,000) dollars for a general or male employment bureau license, and one thousand (\$1,000) dollars for a female employment bureau license, conditioned for the payment of all damages sustained by any person engaged by the licensee to labor for others, by reason of any breach of contract entered into by such licensee with any person for whom he agrees to secure employment or any fraud or misrepresentation of the licensee or any of his agents or servants, and an action on such bond may be maintained thereon, in his own name, by any person so damaged. The bond shall be filed with the city clerk, village recorder or county auditor, as the case may be. So long as the licensee continued to reside or maintain his office at the place mentioned in the license, he may engage in such business in any part of the state. (R. L. § 1825, amended '07 c. 368; '11 c. 274 § 1)

3938. Memorandum of employment—Damages—Such licensee shall enter in a book kept by him for the purpose, a memorandum of the terms of employment of every person engaged by him to work for another, showing the rate of wages, the kind of service, the period of employment, and the name and address of the person for whom the service is to be rendered, in the following form:

Manager	Name of Company	Location
	Date.....	
Name of person giving order.....		
Acting for.....		
Name of applicant.....		
Nature of employment.....		
Duration of employment.....		
Name and address of parent or guardian.....		
To report at.....		
Wages: Per hour....., day....., week....., month.....		
Board: \$. per week; \$. per month.		

He shall furnish to each person so employed duplicate copies of such memorandum one of which the latter shall deliver to his employer at the beginning of his service. Any person failing, by reason of any fraud, misrepresentation or want of authority, on the part of such agency or bureau, to receive employment as provided in the memorandum, may sue and recover upon the bond all damages sustained by reason of such failure. Such licensee shall not, nor shall any agent, servant or other person, acting for him or on his behalf, charge or receive, either directly or indirectly from any applicant for employment, a registration, application or other fee, except as herein provided: No fee or charge shall be received or made by any such licensee from such applicant for any purpose whatever, unless and until such licensee has a bona fide order from an employer for the services of such applicant; such order must be in writing, or by telegram or telephone, and appear in its chronological place in the order book of said licensee. He shall, upon the request of said applicant, at the time of, or at any time subsequent to receiving said fee, exhibit to said applicant, said order or order book; a refusal upon his part so to do shall be prima facie evidence that the taking of said fee was fraudulent and contrary to the provisions of this statute.

The records of such agency or bureau shall at all times be subject to inspection by the commissioner of labor and his assistants, the license inspector of the city or village, and the county or city attorney, whose duty it shall

be to enforce the provisions of this statute. (R. L. § 1826, amended '09 c. 424; '11 c. 274 § 2)

3939. **Penalties**—Any person who shall violate any of the provisions or requirements set forth in sections 1825 or 1826 [3937, 3938] of said laws, as amended, shall be guilty of misdemeanor. (R. L. § 1827, amended '09 c. 424 § 1)

STATE BOARD OF ARBITRATION

3940. **Qualifications—Appointment—Organization**—The state board of arbitration shall consist of three members, appointed by the governor by and with the advice and consent of the senate, each for the term of two years and until his successor qualifies; one from among employers of labor, one not an employer of labor and from among persons recommended by a labor union, and the third, who shall be neither an employer of skilled labor nor a laborer, on the recommendation of the other two. If the recommendation be not made within ten days after the qualification of said first two, the governor shall appoint the third member without their recommendation. Vacancies in the board shall be filled by appointment from the class to which the retiring member belonged, and the governor may also remove any member. The board shall elect from its members a president and a secretary, and establish rules of procedure, to be approved by the governor. (1828)

3941. **Application—Hearing—Notice**—Whenever a controversy relating to the conditions of employment or rate of wages shall arise between any employer of ten or more persons in the same general business and such employees, the board, upon application, shall visit the locality, inquire into the dispute, hear and advise all parties interested, and, within ten days after the hearing, file with the clerk of the district court a written decision of the controversy. Such application shall be signed by the employer or by a majority of the employees, and shall contain a statement of the grievances, and be verified by one of the signers. An agent may sign on behalf of employees; but he shall produce his written authority to so sign, and the name of his principals shall not be disclosed by the board. Within three days after receipt of such application, the secretary shall give public notice of the hearing, unless such notice be dispensed with by written agreement of the parties. Notwithstanding such agreement, the board may give public notice of the proceeding at any stage thereof. (1829)

3942. **Procedure—Decision and its effect**—The board may summon as a witness any employee who keeps the records of wages in any way involved in the controversy, and require the production of such records; and witnesses shall receive the same fees as paid in the district court. Subpoenas may be issued by any member of the board. In cases where the application is mutual, the decision shall be binding for six months, or until sixty days after notice in writing by either party to the other of an intention not to be bound by such decision. This notice may be given to employees by posting it in three conspicuous places in their place of employment. (1830)

3943. **Strikes or lockouts—Duties of board**—Within three days after the board shall learn that a strike or lockout is threatened or exists between any such employer and his present or former employees, it shall intercede between the parties, and attempt to procure a settlement of the dispute or its submission to a local or the state board of arbitration. The state board may investigate the cause of the controversy, fix the responsibility for its continuance, and publish the facts; and, for the enforcement of the provisions of this section, it shall have the same powers as in cases submitted by application of one of the parties only. (1831)

3944. **Local boards of arbitration**—Any such controversy may be submitted, in writing, to a local board of arbitration to be selected by agreement of the parties. The oath of each member shall be filed with the clerk of the district court. Any vacancy shall be filled in the manner in which the retiring member was selected. In respect to any matter submitted to it, a local board shall have exclusive jurisdiction and all the powers of the state board, and its decision shall have the force and effect agreed upon in the submission. Within ten days after the hearing the board shall file its decision with

the clerk of the district court, and forward a copy thereof to the state board. (1832)

3945. **Report of proceedings**—The state board shall report to each regular session of the legislature. Such report shall be printed, and shall contain an account of the doings of the board, a brief history of each controversy and the decision thereof, and suggestions relative to the relations between employer and employee. (1833)

3946. **Compensation—Standing appropriation**—Each member of the state board shall receive as compensation five dollars for each day actually employed in the work of the board, and three cents for each mile necessarily traveled, to be paid by the state. The sum of two thousand dollars is hereby annually appropriated for the purposes of this chapter. (1834)

CHAPTER 23A

IMMIGRATION

3947. **State board of immigration**—A board to be known as the Minnesota state board of immigration is hereby created. ('07 c. 267 § 1)

3948. **How constituted—Terms, etc.**—The said board shall be composed of five members. The governor, auditor of state, and secretary of state, shall be ex-officio members. The other two members shall be chosen by the three ex-officio members aforesaid. The term of office of said appointed members shall be two years and until their respective successors shall have been duly chosen and qualified, and they shall serve without any compensation whatsoever. Each member of the board shall be a citizen of the United States of America, and a resident of the state of Minnesota and a qualified elector. The governor shall, ex-officio, be chairman of said board. ('07 c. 267 § 2)

3949. **Commissioner of immigration—Term—Compensation, etc.—Other agents**—The said board of immigration shall appoint a qualified elector of this state to be the general executive agent of said board, and such agent shall be officially known and styled, commissioner of immigration. The said commissioner of immigration shall hold office during the pleasure of said board, shall receive such compensation as said board shall determine, and shall perform such functions as said board may designate. Before entrance upon the duties of his office, the commissioner of immigration shall make and subscribe an oath of office in the usual form and shall execute and deliver to the governor a bond to the state of Minnesota, in the sum of ten thousand dollars, with sufficient sureties, to be approved by said board, conditioned upon the honest and faithful performance of his duties as such commissioner. The said board shall also employ such other servants and agents as in the judgment of said board shall be necessary, and shall define the duties, terms of service and compensation of the persons so employed. ('07 c. 267 § 3)

3950. **Office**—The Minnesota state board of immigration shall be provided with an office and suitable furniture and stationery at the expense of the state. ('07 c. 267 § 4)

3951. **Duties of board—Annual report**—The duties of said board of immigration, so far as practicable, shall be to collect and arrange statistics and other information in reference to the lands and general and special resources of the state of Minnesota, and the advantages of this state as a place of residence; to spread knowledge of the same throughout the civilized world by correspondence, by messengers and public lectures and by all forms of legitimate advertising; to facilitate the immigration of such persons of good moral character as may desire a change of domicile, and to answer all inquiries from persons residing within or without the state, upon the subjects aforesaid. At each session of the state legislature, the board shall make a report of all its transactions during the biennial period next preceding the first day of such session. ('07 c. 267 § 5)

3952. **Advertising and disposal of public lands**—The Minnesota state board of immigration shall, in addition to the performance of the duties hereinbefore described, co-operate, as far as practicable, with the state land commissioner, in and about the advertising and disposal of public lands. ('07 c. 267 § 6)