

THE 79
GENERAL STATUTES

OF THE
STATE OF MINNESOTA

As Amended by Subsequent Legislation, with which are Incorporated
All General Laws of the State in Force December 31, 1894

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AND A GENERAL INDEX BY THE EDITORIAL STAFF OF THE NATIONAL
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VOL. 1

CONTAINING THE CONSTITUTION OF THE UNITED STATES, THE ORDINANCE OF 1787,
THE ORGANIC ACT, ACT AUTHORIZING A STATE GOVERNMENT, THE STATE
CONSTITUTION, THE ACT OF ADMISSION INTO THE UNION, AND

Sections 1 to 4821 of the General Statutes

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MINNESOTA STATUTES 1894

Ch. 24] REGULATION [AND PROTECTION] OF LABOR. §§ 2240-2243

CHAPTER 24.

REGULATION [AND PROTECTION] OF LABOR.

§ 2240. Ten-hour rule to govern, when.

In all manufactories, workshops, and other places used for mechanical and manufacturing purposes in this state, where children under the age of eighteen years and women are employed, the time of labor of the persons aforesaid shall not exceed ten hours for each day; and any owner, stockholder or overseer, employer, clerk or foreman, who compels any woman or any child under eighteen years of age to labor in any day exceeding ten hours, or permits any child under the age of fourteen to labor in any factory, workshop or other place used for mechanical or manufacturing purposes, for more than ten hours in any one day, where such owner, stockholder, overseer, employer, clerk or foreman has control, such person so offending shall be liable to a prosecution in the name of the state of Minnesota, before any justice of the peace, or court of competent jurisdiction, of the county wherein the same occurs, and, upon conviction thereof, shall be fined in any sum not less than ten or more than one hundred dollars.

(G. S. 1866, c. 24, § 1; G. S. 1878, c. 24, § 1.)

§ 2241. Rule in absence of contract.

In all engagements to labor in any mechanical or manufacturing business, a day's work, when the contract of labor is silent upon the subject, or when there is no express contract, shall consist of ten hours, and all agreements, contracts, or engagements, in reference to such labor, shall be so construed.

(G. S. 1866, c. 24, § 2; G. S. 1878, c. 24, § 2.)

§ 2242. Locomotive engineers and firemen — Maximum day's labor.

On all lines of railroad operated in this state the time of labor of the locomotive engineers and firemen employed in running or operating the locomotive engines on or over such roads shall not at any time exceed eighteen hours during one day: *provided, however*, that nothing in this section shall be construed as allowing any locomotive engineer or fireman to desert his locomotive in case of accident or other unavoidable delay.

(1885, c. 206, § 1; G. S. 1878, v. 2, c. 24, § 3.)

§ 2243. Same—Compelling longer service—Penalty—Civil liability.

Any officer, director, superintendent, master mechanic, foreman, agent, or employe who compels any locomotive engineer or fireman to labor, in running or operating any locomotive engine on or over such roads for more than eighteen hours during one day, except as provided in section one of this act, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five or more than one hundred dollars; *and provided, further*, that all railroad corporations operating lines of road in this state shall be liable for all injuries to its engineers or firemen resulting from their being obliged to labor for a longer period in any one day than that specified in section one of this act, and that nothing in this section shall be construed as allowing any locomotive engineer or fireman to desert his locomotive in case of accident or unwarrantable delay.

(1885, c. 206, § 2, as amended 1887, c. 59; G. S. 1878, v. 2, c. 24, § 4.)

¹An act to regulate the labor of locomotive engineers and firemen. Approved March 7, 1885. The amendatory act of 1887 repeals all inconsistent acts and parts of acts.

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§ 2244. Employers to provide seats for women, when.

It shall be the duty of all employers of females in any mercantile, manufacturing, hotel or restaurant, business or occupation, and of every agent in charge of any such business or occupation, to provide and maintain in the room or place where such females are being employed, suitable seats for the use of such female employes, and to permit the use of such seats by such employes to such an extent as may be necessary for the preservation of their health.

(1889, c. 10, § 1.2)

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§ 2245. Evidence of violation of act—Duty of labor commissioner.

The certificate or testimony of any regularly licensed and practicing physician to the effect that in his opinion any person or corporation in this state, or any agent of such person or corporation is not complying with the provisions of section one of this act in respect to any specified employe or employes, shall be prima facie evidence of the violation by such person, corporation or agent of the provisions of this act, and it shall be the duty of the state labor commissioner whenever he is informed of the violation of any of the provisions of this act, to cause the matter to be at once brought to the attention of the proper authorities and to assist in furnishing evidence of such violation; but nothing herein contained shall be construed to prevent any other person from making such complaint and furnishing such evidence nor to interfere with the discharge of their lawful duty by all state and county officers.

(Id. § 2.)

§ 2246. Penalty for violation.

Every person who shall violate any of the provisions of this act, shall, for each and every day of such violation, be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not less than ten dollars nor more than twenty-five dollars, or by imprisonment for not less than ten days nor more than thirty days, or both, in the discretion of the court.

(Id. § 3.)

§ 2247. Wages of minors.

It shall be necessary for the parent or guardian of such minor person as may be in service to notify the party employing such minor that such parent or guardian claims the wages of such minor, and in default of such notification payment to such minor of wages so earned shall be valid.

(1893, c. 35, § 1.3)

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69-NW 632

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67-M - 82
68-M - 306
72-NW1063

2248-2264
70-M - 166
70-M - 539

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78-M - 7
80-NW 604

§ 2248. Dangerous machinery, etc., to be fenced—Grindstones, etc.

All saws, planers, wood-shapers, jointers, sand-papering machines and ironing mangles; all set screws, drums and machinery, including belts, shafting, cables and fly-wheels of every description; all electrical dynamos and other dangerous electrical apparatus and appliances; and all vats, pans, or other structures filled with molten metal, or boiling liquids, in any factory, mill or workshop, shall be so located as not to be dangerous to workmen, or shall be, as far as practicable, properly guarded, fenced or otherwise protected. All dangerous places in or about factories, mills, workshops, and public and private works, near to which any employe is obliged to pass, or to be employed, shall be securely fenced, inclosed or otherwise protected. No grindstone, emery wheel, or any machine, in any factory, mill or workshop, shall be used when the same is known to be cracked or otherwise defective.

(1893, c. 7, § 1.4)

2248 89-M . 136
89-M . 356
91-M . 509

*An act to compel employers of females to furnish seats for such employes, and to prescribe penalties for violation thereof. Approved March 19, 1889.

*An act to regulate the payment of wages of minors. Approved April 18, 1893.

*An act providing for the protection of employes. Approved March 10, 1893.

§ 18 repeats all acts inconsistent.

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§ 2249. Duty of factory owners and others.

It shall be the duty of the owner of any factory, mill or workshop, or his agent, superintendent, or other person in charge of the same, to furnish and supply, or cause to be furnished and supplied therein, wherever practicable, where machinery is in use, belt shifters or other safe mechanical contrivances, for the purpose of throwing on or off belts or pulleys; and, wherever practicable, machinery shall be provided with loose pulleys. Exhaust fans shall be provided for the purpose of carrying off dust from emery wheels and grindstones.

(Id. § 2.)

§ 2250. Hoistways, elevators, etc.

All hoistways, hatchways, elevator wells and wheelholes in factories, mills, workshops, storehouses, warerooms or stores shall be securely fenced, inclosed or otherwise protected, and due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same open, that the said hatchways, elevators or hoisting apparatus may be used. All elevator cabs or cars, whether used for freight or passengers, shall be provided with some suitable mechanical device, whereby the car or cab will be securely held in the event of accident to the shipper rope or hoisting machinery, or from any similar cause; provided, however, that elevators regularly inspected and insured against loss resulting from personal injuries by any indemnity insurance company authorized to do business in Minnesota shall not be subject to the supervision of the commissioner of labor or the factory inspectors of the state.

(Id. § 3.)

§ 2251. Factories and mills—Cleanliness and ventilation.

All factories, mills and workshops shall be kept in a cleanly state, and free from any effluvia arising from any sewer, drain, privy or other nuisance. They shall be so ventilated that while the employes are at work therein the air shall not become so exhausted as to be injurious to the health of said employes. No water closet, earth closet, privy or ashpit shall be within or communicate directly with the bake room of any bakery, or the kitchen of any hotel or public restaurant. The sleeping places for workmen and others employed in bake houses shall be separate and distinct from the places used for the making of bread.

(Id. § 4.)

§ 2252. Fire-escapes—Doors—Handrails.

In all factories, mills, workshops or other buildings in which people are employed at manual or other labor, proper and sufficient means of escape in case of fire shall be provided by more than one way of egress, and such means of escape shall at all times be kept free from any obstruction, in good repair and ready for use. All doors leading in or to such factories, mills and workshops shall be so constructed as to open outward, when practicable, and shall not be so locked, bolted or fastened during working hours as to prevent free egress. Proper and substantial handrails shall be provided on all stairways in factories, mills and workshops, and in all factories, mills and workshops in which females are employed the stairs regularly used by them shall be properly screened at the sides and bottom.

(Id. § 5.)

§ 2253. Additional fire-escapes in factories, etc.

If in the opinion of the commissioner of labor it is necessary to insure the safety of the persons employed in any factory, mill or workshop, three or more stories in height, one or more fire-escapes, as may be deemed by the said commissioner as necessary and sufficient therefor, shall be provided on the outside of such factory, mill, or workshop, connecting with each floor above the first, well fastened and secured and of sufficient strength. Each of such fire-escapes shall have landings or balconies, not less than six feet in length and three in width, guarded by iron railings, not less than three feet in height and embracing at least two windows at each story, and connecting with the interior by easily accessible and unobstructed openings, and the balconies or landings shall be connected by iron stairs, not less than

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twenty-four inches wide, the steps to be not less than six inches tread, placed at not more than an angle of forty-five degrees slant, and protected by a well secured handrail on both sides, with a twelve-inch-wide drop-ladder from the lower platform reaching to the ground. Any fire-escape so constructed shall be sufficient. Any other plan or style of fire-escape shall be sufficient, if approved by the commissioner of labor; but if not so approved, the said commissioner or one of the factory inspectors may notify the owner, proprietor or lessees of such factory, mill or workshop, or of the building in which such factory or workshop is conducted, or the agent or superintendent or either of them in writing, that any such style of fire-escape is not sufficient, and may by an order in writing require one or more fire-escapes, as he shall deem necessary and sufficient, to be provided for such factory, mill or workshop, at such locations and of such plan and style as shall be specified in such written order. Within thirty days after the service of such order, the number of fire-escapes required in such order for such factory or workshop shall be provided therefor, each of which shall be either of the plan and style and in accordance with the specifications in said order required or of the plan and style in this section above described and declared sufficient. The windows or doors of each fire-escape shall be located as far as possible, consistent with accessibility, from the stairways and elevator, hatchways or openings, and the ladder thereof shall extend to the roof. Stationary stairs or ladders shall be provided on the inside of each such factory, mill or workshop, from the upper story to the roof, as a means of escape in case of fire.

(Id. § 6.)

§ 2254. Water or earth closets.

Every factory, mill or workshop or other building in which two or more persons are employed, shall be provided, within reasonable access, with a sufficient number of water closets, earth closets or privies for the reasonable use of the persons employed therein. And whenever male and female persons are employed as aforesaid together, water closets, earth closets or privies, separate and apart, shall be provided for the use of each sex, and plainly so designated, and no person shall be allowed to use such closet or privy assigned to the other sex. Such closets shall be properly screened and ventilated, and at all times kept in a clean and a good sanitary condition. In factories, mills and workshops, and in all other places where the labor performed by the operator is of such a character that it becomes desirable or necessary to change the clothing wholly or in part, before leaving the building at the close of a day's toil, separate dressing rooms shall be provided for women and girls whenever so required by the factory inspector.

(Id. § 7.)

§ 2255. Safety appliances not to be removed.

No employe in any factory, mill or workshop, or upon any public or private works, shall be permitted or allowed to remove or displace or destroy any guard for dangerous machinery and places and other safety appliances which their employers shall have provided in accordance with the provisions of this act, excepting in accordance with the rules and regulations provided for such removal or displacement by said employers.

(Id. § 8.)

§ 2256. Accidents to be reported.

Whenever there occurs, in connection with any factory, mill, workshop, or any public or private works in the state, any accident or injury to any individual producing death or requiring the aid of a surgeon, it shall be the duty of the employer, superintendent or agent having charge of the work upon which, or in connection with which the accident or injury occurred, to send a written notice of the accident to the commissioner of labor within ten days of the time of the accident or injury, stating as fully as possible the time or place when or where said accident or injury occurred, the name and residence of the person or persons killed or injured, and the place to which, if injured, the person or persons have been removed.

(Id. § 9.)

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§ 2257. This act to be kept posted, when.

A copy of the first ten sections of this act, together with the name and address of the commissioner of labor, printed in a legible manner, shall be kept posted in each workroom of every factory, mill and workshop, and in the office of every public and private works, upon the employer or his agent or superintendent being supplied with copies thereof by the commissioner of labor or by one of the factory inspectors.

(Id. § 10.)

§ 2258. Inspection of factories—Records—Complaints.

It shall be the duty of the commissioner of labor and of each of the factory inspectors, under the direction and supervision of said commissioner, to secure the enforcement of this act, and of other acts providing for the protection of employes now or hereafter to be enacted. And for that purpose they and each of them are hereby empowered to visit and inspect, at all reasonable hours, and at all times during working hours, and as often as shall be necessary, all factories, mills, workshops, buildings and public and private works where labor is employed in this state. In the enforcement of this act the said commissioner and factory inspectors shall give proper notices or orders to the person owning, operating or managing the factory, mills, workshop, hotel, restaurant, building, public or private works inspected by them or by either of them. The inspectors shall enter in books, provided for that purpose, copies of all notices and orders given by them, and a record of all inspections and examinations made, and these books shall be filed and preserved in the office of the commissioner of labor. They shall also make complaints to the county attorney or other proper prosecuting officer, or the proper court in the several counties or municipalities, respectively, of all violations of this act, and of other laws for the protection of employes.

(Id. § 11.)

§ 2259. Violation of municipal ordinance.

Whenever a factory inspector, in connection with his visit to any factory, workshop, building or public or private works, finds on the part of the person owning, operating, or managing the same any act, default or omission mentioned in any local ordinance of any city, town or village, provided for the protection of employes, the said inspector shall give written notice of said act, omission or default to the proper local municipal authority or department and take any steps permissible under said local ordinance for the enforcement of the same. Whenever any act or omission, mentioned under this act, is also an act or omission under the provisions of any local ordinance of any city or municipality, any person who has previously given written notice to the proper local authority or department may, after a period of thirty days, petition in writing, to the commissioner of labor, providing the said local authority or department have not in the meantime enforced said ordinance. The said commissioner, upon the receipt of said petition, either in person or by one of the factory inspectors, shall, as soon as possible, examine into the matter and take such steps as may be necessary to enforce this act and other acts providing for the protection of employes.

(Id. § 12.)

§ 2260. Notices—How served.

The orders and notices required under this chapter shall be written or printed, and signed officially by the commissioner of labor or by one of the factory inspectors, and may be served by one of those officers or by any other officer or indifferent person, by delivering to the person upon whom service is to be made, or by leaving at his usual place of abode or business an attested copy thereof. Notice to one member of a firm shall be notice to every member thereof, and notice to the president, secretary or treasurer or managing agent or superintendent of a corporation shall be notice to such corporation.

(Id. § 13.)

§ 2261. Persons aggrieved may appeal to district court.

Any person aggrieved by the order, requirement or direction of a factory inspector may, within ten days from the day of service thereof, apply for

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an injunction against the enforcement of the same to a judge of the district court, and thereupon, after such notice, as the said judge shall order, to all parties interested, a hearing may be had before some judge of said court, within thirty days, at such convenient place as shall be fixed by said order, or the said judge may appoint three experts to examine the matter and hear the parties, which experts shall be disinterested persons and skilled in the subject matter of the controversy, and the decision of the said court upon the report of the said experts, or a majority thereof, in writing under oath filed within ten days from the date of such hearing in the clerk's office of said court, in the county wherein is the subject of the controversy, may either alter the order, requirement or direction of such inspector, annul it in full or affirm the same. A duly certified copy of said decision, so filed as aforesaid, shall have the same authority, force and effect as the original order of the inspector, and shall take the place of said original order. The court may award reasonable compensation to experts appointed under the provisions of this section, to be paid from the contingent fund of the bureau of labor, provided the appeal is decided against the order of the inspector, and to be paid by the party taking the appeal in case the order of the inspector is sustained.

(Id. § 14.)

§ 2262. Duty of county attorney.

The county attorney of any county, or the proper prosecuting officer of any city or municipality in this state, is hereby authorized and directed, upon the request of the commissioner of labor or of any factory inspector, to commence and to prosecute to termination before the proper court, actions and proceedings against the person or persons residing within the limits of his county or municipality, reported to him to have violated the provisions of this act and other acts for the protection of employees.

(Id. § 15.)

§ 2263. Penalties—Criminal prosecutions.

Any person who violates or omits to comply with any of the foregoing requirements or provisions of this act, or who disregards any order, notice or requirement of said commissioner or of a factory inspector, when said order or notice is made in accordance with the provisions of this act, or who obstructs or interferes with any examination or investigation being made by a factory inspector, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment not less than fifteen days nor more than ninety days. No criminal prosecution shall be made for any violation of the provisions of the first seven sections of this act until thirty days after notice in writing, by a factory inspector, or the commissioner of labor, of any change necessary to be made to comply with the provisions of this act has been served upon said person, and not then if, in the meantime, such changes have been made in accordance with such notification. This period of thirty days shall not, however, be allowed to the owner, agent or manager of any factory, mill, workshop or other building where said owner, agent or manager has been ordered to put a water closet or privy into good sanitary condition, the only defect of said closet or privy being due to the neglect or carelessness in its management or supervision. The owner, manager or agent in such case shall be liable for the penalty of this section if he fails to put said closet or privy into good sanitary condition within forty-eight hours from the receipt of the notice required by this act. In case of an appeal from the order, requirement or direction of the said commissioner or factory inspector, as hereinbefore provided, the thirty days allowed by this section shall be reckoned from the date of the decision of the judge or that of the three experts.

(Id. § 16.)

§ 2264. Definition of terms.

The following terms used in this act shall have the following meaning: The term "person" means any individual, corporation, partnership, company or association. The term "factory" or "mill" means any premises where steam, water or other mechanical power is used in aid of any manufacturing

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an injunction against the enforcement of the same to a judge of the district court, and thereupon, after such notice, as the said judge shall order, to all parties interested, a hearing may be had before some judge of said court, within thirty days, at such convenient place as shall be fixed by said order, or the said judge may appoint three experts to examine the matter and hear the parties, which experts shall be disinterested persons and skilled in the subject matter of the controversy, and the decision of the said court upon the report of the said experts, or a majority thereof, in writing under oath filed within ten days from the date of such hearing in the clerk's office of said court, in the county wherein is the subject of the controversy, may either alter the order, requirement or direction of such inspector, annul it in full or affirm the same. A duly certified copy of said decision, so filed as aforesaid, shall have the same authority, force and effect as the original order of the inspector, and shall take the place of said original order. The court may award reasonable compensation to experts appointed under the provisions of this section, to be paid from the contingent fund of the bureau of labor, provided the appeal is decided against the order of the inspector, and to be paid by the party taking the appeal in case the order of the inspector is sustained.

(Id. § 14.)

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(Id. § 15.)

§ 2263. Penalties—Criminal prosecutions.

Any person who violates or omits to comply with any of the foregoing requirements or provisions of this act, or who disregards any order, notice or requirement of said commissioner or of a factory inspector, when said order or notice is made in accordance with the provisions of this act, or who obstructs or interferes with any examination or investigation being made by a factory inspector, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment not less than fifteen days nor more than ninety days. No criminal prosecution shall be made for any violation of the provisions of the first seven sections of this act until thirty days after notice in writing, by a factory inspector, or the commissioner of labor, of any change necessary to be made to comply with the provisions of this act has been served upon said person, and not then if, in the meantime, such changes have been made in accordance with such notification. This period of thirty days shall not, however, be allowed to the owner, agent or manager of any factory, mill, workshop or other building where said owner, agent or manager has been ordered to put a water closet or privy into good sanitary condition, the only defect of said closet or privy being due to the neglect or carelessness in its management or supervision. The owner, manager or agent in such case shall be liable for the penalty of this section if he fails to put said closet or privy into good sanitary condition within forty-eight hours from the receipt of the notice required by this act. In case of an appeal from the order, requirement or direction of the said commissioner or factory inspector, as hereinbefore provided, the thirty days allowed by this section shall be reckoned from the date of the decision of the judge or that of the three experts.

(Id. § 16.)

§ 2264. Definition of terms.

The following terms used in this act shall have the following meaning: The term "person" means any individual, corporation, partnership, company or association. The term "factory" or "mill" means any premises where steam, water or other mechanical power is used in aid of any manufacturing

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or printing process there carried on. The term "workshop" means any premises, room or place not being a factory or mill as above defined, wherein any labor is exercised by way of trade or for purposes of gain in or incidental to any process of making, altering, repairing, cleaning, ornamenting, finishing or adapting for sale any article or part of an article, and to which or over which building, premises, room or place the employer of the persons employed or working therein has the right of access or control. Provided, however, that the exercise of such manual or other labor in a private house or private room by a family dwelling therein, or by any of them, or in case a majority of the persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition. The term "public or private works" means any mine, railroad or railroad yard, telegraph company, the work of constructing any sewer, bridge, tunnel, the road bed of any railroad, any building or other structure by the authorities of any city, town or municipality, except in so far as the regulation thereof is now conferred upon the board of railroad and warehouse commissioners. The term "factory inspector" means any deputy or other officer or employee connected with the bureau of labor authorized by this or any other act to act as inspector of factories or other buildings or places.

(Id. § 17.)

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