

**GENERAL STATUTES**  
*of*  
**MINNESOTA**  
**1923**

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COMPILED AND EDITED BY  
HUBERT HARVEY, OF THE ST. PAUL BAR

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ST. PAUL, 1924

on conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not more than ninety days. ('19 Ex. Sess. c. 32 § 3)

4025. Evidence of negligence—Whoever under any circumstances sets fire must exercise care and precaution in proportion to the danger.

Whenever a fire set by any person or corporation spreads to and destroys property belonging to another, it shall be prima facie evidence that the party so setting such fire is guilty of negligence in setting the same and allowing it to spread. ('11 c. 125 § 22) [3804]

4026. Appeals from justice—Duty of county attorney—No appeal shall be allowed from a judgment in justice's court in any prosecution under this chapter unless the person appealing shall, within the legal time prescribed, enter into a recognizance with two sufficient sureties, surety company or cash bail, in twice the amount of the fine and costs, to be approved by the justice, conditioned to appear before the district court on the first day of the general term thereof to be held in and for the same county, and abide the judgment of said court therein.

The justice may examine the proposed sureties under oath, and in such case shall make and keep a record of their answers in respect to the kinds and amount of their property that is not exempt from execution, and furnish a copy of the same to the state forester.

Whenever an arrest shall have been made for violation of any of the provisions of this chapter, or whenever information of such violation shall have been lodged with him, the county attorney of the county in which the offense was committed shall prosecute the accused with all diligence and energy. ('11 c. 125 § 23, amended '13 c. 159 § 6) [3805]

4027. Towns, villages and cities—Officers as wardens—Tax for "fire fund"—The state forester may appoint supervisors, constables and clerks of towns, mayors of cities and presidents of village councils, fire wardens for their respective districts, and it is hereby made their duty to do all things necessary to protect the property of such municipalities from fire and to extinguish the same.

All towns, villages and cities are hereby authorized and directed to take necessary precautions to prevent the starting and spreading of forest or prairie fires and to extinguish the same and are hereby further authorized to annually levy a tax of not more than five mills

upon the taxable property of such municipalities, which, when collected, shall be known as the "Fire Fund" which shall be used in paying all necessary and incidental expenses incurred in enforcing the provisions of this act.

In all townships constituted within any of the forest patrol districts which may be established by the state forestry board, the respective town and village officers shall co-operate as far as possible with and act under the general supervision and direction of the state forestry officers. ('11 c. 125 § 24) [3806]

4028. Disposition of fines—All moneys received as penalties for violations of the provisions of this act, less the cost of collection and not otherwise provided for, shall be paid into the treasury of the county in which the 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) [3807]

4029. 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) [3808]

4030. 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) [3809]

4031. 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) [3810]

125-18, 145+403.

CHAPTER 23

DEPARTMENT OF LABOR AND INDUSTRIES

INDUSTRIAL COMMISSION

4032. Office of commissioner of labor abolished—The Department of Labor and Industries is hereby continued as a department of the state government, under the control and management of the Industrial Commission of Minnesota, hereinafter created, and the office of Commissioner of Labor is hereby abolished. ('21 c. 81 § 1)

4033. Industrial commission—There is hereby created a commission to be known as the "Industrial Commission of Minnesota," hereinafter called the Commission. The Commission shall be composed of three Commissioners who shall be appointed by the Governor by and with the advice and consent of the Senate. The first three Commissioners shall be appointed within thirty (30) days after the passage of this act

and before the adjournment of the present legislature, if practicable. One shall be appointed for a term commencing March 15, 1921 and ending June 30, 1923; one for a term commencing March 15, 1921 and ending June 30, 1925; and one for a term commencing March 15, 1921 and ending June 30, 1927; and thereafter each Commissioner shall be appointed for a term of six years. Not more than two Commissioners shall belong to the same political party. Inasmuch as the duties to be performed by such Commission vitally concern the employers, employes, as well as the whole people of the state, it is hereby declared to be the purpose of this act that persons be appointed as Commissioners who shall fairly represent the interests of all concerned in its administration. Any vacancy on the Commission shall be filled by the Governor by and with the advice and consent of the Senate for the un-

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on conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not more than ninety days. ('19 Ex. Sess. c. 32 § 3)

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expired portion of the term in which the vacancy occurs. ('21 c. 81 § 2)

**4034. Salaries — Chairman** — Each Commissioner shall receive an annual salary of \$4,500, payable in the same manner that other state salaries are paid. Each Commissioner shall devote his entire time to the duties of his office. The Commissioner whose term first expires shall be chairman. Each Commissioner, before entering upon the duties of his office, shall take the oath prescribed by law. ('21 c. 81 § 3)

**4035. Governor may remove**—The Governor may at any time remove a Commissioner for inefficiency, neglect of duty, or malfeasance in office. Before such removal he shall give such Commissioner a copy of the charges against him and fix a time when he shall be heard in his own defense, which shall not be less than ten days thereafter, and such hearing shall be open to the public. If such Commissioner shall be removed, the Governor shall file in the office of the Secretary of State a complete copy of all the charges made against such Commissioner and his findings thereon, with a record of the proceedings. Such power of removal shall be absolute and there shall be no right of review in any court whatsoever. ('21 c. 81 § 4)

**4036. Commissioners or employes not to take part in political campaigns**—Every Commissioner and every officer or employe of the Commission, who by solicitation or otherwise exerts his influence, directly or indirectly, to induce other officers or employes of the state to adopt his political views, or to favor any particular person or candidate for office, or to contribute funds for campaign or political purposes, shall be removed from his office or position by the authority appointing him. ('21 c. 81 § 5)

**4037. Office in St. Paul**—The Commission shall keep its office at St. Paul and shall be provided by the custodian of state property with suitable rooms and necessary furniture. The Commission may, however, hold sessions at any other place in the state when the convenience of the Commission and the parties interested so requires. ('21 c. 81 § 6)

**4038. Organization—Quorum**—Upon the taking effect of this act, the Commission shall meet at the state capitol and organize. A majority of the Commissioners shall constitute a quorum for the exercise of the powers conferred and the duties imposed on the Commission. A vacancy shall not impair the right of the remaining Commissioners to exercise all the powers and perform all of the duties of the Commission. ('21 c. 81 § 7)

**4039. Hours public sessions—Proceedings**—The Department of Labor and Industries shall be open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. The sessions of the Commission shall be open to the public and may be adjourned from time to time. All the proceedings of the Commission shall be shown on its records, which shall be public records. ('21 c. 81 § 8)

**4040. Seal—Certified copies**—The commission shall have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words, "Industrial Commission of Minnesota — Seal", and such other design as the Commission may prescribe. The courts of this state shall take judicial notice of such seal and of the signatures of the chairman and the Secretary of the Commission; and in all cases copies of orders, proceedings, or records of the Commission, certified by the Secretary of the Commission under its seal, shall be received in evidence, with the same force and effect given to the originals. ('21 c. 81 § 9)

**4041. Secretary—Salary—Duties**—The Commission

shall appoint a Secretary, who shall receive an annual salary not exceeding \$3,500, and who shall hold office at the pleasure of the Commission. It shall be the duty of the Secretary to keep a full and true record of all proceedings of the Commission, to issue all necessary processes, writs, warrants and notices which the Commission is required or authorized to issue, and generally to perform such other duties as the Commission may prescribe. ('21 c. 81 § 10)

**4042. May appoint division heads, assistants, etc.—Salaries—Duties**—The Commission may appoint with complete and absolute power of removal such division heads or chiefs, deputy division heads or chiefs, managers, assistant managers, superintendents, officers, agents, architects, accountants, experts, engineers, physicians and referees as may be necessary for the exercise of its powers and the performance of its duties; and subject to the provisions of General Statutes 1913, Sections 3813, 3814, 3815, 3816, which shall be applied as far as applicable may also appoint such statisticians, inspectors, deputy inspectors and other employes and assistants as may be necessary for the exercise of its powers and the performance of its duties. The Commission shall prescribe the duties and fix the salaries of all such appointees which shall not exceed in the aggregate the amount appropriated by the legislature for that purpose. All persons holding positions in the Department of Labor and Industries or under the State Board of Arbitration on June 1st, 1921, shall be transferred by the Commission to the Department of Labor and Industries as herein constituted, and assigned to such positions and duties as the Commission may designate. ('21 c. 81 § 11)

**4043. Traveling expenses**—The Commission and the officers, assistants and employes of the Commission shall be paid out of the State treasury their actual and necessary expenses while traveling on the business of the Commission. Vouchers for such expenses shall be itemized and sworn to by the persons incurring the expense, and be subject to the approval of the Commission. ('21 c. 81 § 12)

**4044. Powers of department of labor and industries transferred to commission**—On and after June 1, 1921, the Commission shall possess all the powers and perform all the duties now conferred and imposed by law on the Department of Labor and Industries and the State Board of Arbitration except that any power or duty vested in the Commissioner of Labor at the time of the taking effect of this act and requiring individual action, shall, on the taking effect of this act, be exercised or performed by such member of the Commission, or officer or employe of the Department, as shall be designated by the Commission. The State Board of Arbitration, as now constituted, is hereby abolished. ('21 c. 81 § 13)

**4045. Divisions**—The Department of Labor and Industries shall consist of the following divisions, to-wit: Division of Workmen's Compensation, Division of Boiler Inspection, Division of Accident Prevention, Division of Statistics, Division of Women and Children, Division of Employment, Division of Mediation and Arbitration, and such other divisions as the Commission may deem necessary and establish. Each Division of the Department and persons in charge thereof shall be subject to the supervision and direction of the Commission and of any Commissioner assigned to supervise the work of such division, and, in addition to such duties as are or may be imposed on them by statute, shall perform such other duties as may be assigned to them by the Commission. ('21 c. 81 § 14)

**4046. Powers and duties**—The Commission shall have the following powers and duties:

(1) To exercise such powers and perform such duties concerning the administration of the Workmen's

Compensation Laws of the state as may be conferred and imposed on it by such laws.

(2) To exercise all powers and perform all duties now conferred and imposed on the Department of Labor and Industries as heretofore constituted, and the bureaus of such department, so far as consistent with the provisions of this act.

(3) To establish and conduct free employment agencies, and after the first day of June, 1921, to supervise the work of private employment offices all as now provided by law; to make known the opportunities for self-employment in this state, to aid in inducing minors to undertake promising skilled employments, to encourage wage earners to insure themselves against distress from unemployment, to investigate the extent and causes of unemployment in the state and remedy therefor, and to devise and adopt the most efficient means in its power to avoid unemployment.

(4) To promote the voluntary arbitration, mediation and conciliation of disputes between employers and employes in order to avoid strikes, lockouts, boycotts, blacklists, discriminations and legal proceedings in matters of employment. In pursuance of this duty it may appoint temporary boards of arbitration or conciliation, provide the necessary expenses of such boards, order reasonable compensation not exceeding \$15.00 per day for each member engaged in such arbitration or conciliation, prescribe rules of procedure for such arbitration or conciliation boards, conduct investigations and hearings, issue or publish statements, findings of facts, conclusions, reports and advertisements, and may do all other things convenient and necessary to accomplish the purposes directed in this act. The Commission may designate a subordinate to be known as Chief Mediator and may detail other assistants or employes for the purpose of executing these provisions, without extra compensation. In order to carry out the provisions of this subsection, the Industrial Commission, or any Commissioner thereof, the Chief Mediator or any temporary board of conciliation or arbitration, shall have power to administer oaths to witnesses, and to issue subpoenas for the attendance of witnesses; and if any person refuses to comply with any subpoena issued by the Commission, a Commissioner, the Chief Mediator or a temporary Board of Conciliation or Arbitration, or if any witness refuses to testify regarding that about which he may be lawfully interrogated, the judge of any district court of any county in the state, on application of the Commission or of a Commissioner, shall compel obedience by attachment proceedings as for contempt, as in the case of the disobedience of a subpoena issued by such court.

(5) To adopt reasonable and proper rules and regulations relative to the exercise of its powers and duties, and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings. But such rules and regulations shall not be effective until ten days after their adoption. A copy of such rules and regulations shall be delivered to every citizen making application therefor.

(6) To collect, collate and publish statistical and other information relating to the work under its jurisdiction and to make public reports in its judgment necessary. On or before the first Monday in January of each year the Commission shall report its doings, conclusions and recommendations to the Governor, which report shall be printed and distributed biennially to the members of the Legislature and otherwise as the Commission may direct.

(7) To establish and maintain branch offices as needed for the conduct of its affairs. ('21 c. 81 § 15)

**4047. Inconsistent acts repealed**—All acts and parts

of acts inconsistent with the provisions of this act are hereby repealed. ('21 c. 81 § 16)

State Board of arbitration continued to June 1, 1921. '21 c. 158.

**4048. Qualifications of inspectors**—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 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 regular 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) [3814]

**4049. 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

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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) [3818]

Workshops (111-275, 126+903).

**4050. Enforcement of labor laws by labor department**—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. 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 employes of the department may enter any factory, mill, work shop, warehouse, mercantile establishment, office, engineering work or other place where persons are employed, or any office from which such place of employment is directed or managed, at all reasonable times, give such direction as may be necessary to enforce the laws, and remain while engaged in their official duties. 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 members 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, amended '19 c. 110 § 1) [3819]

#### ELEVATORS.

**4051. Operation of elevators**—In any building occupied in whole or in part for factories, workshops, or offices, by two or more tenants, and in which building two or more tenants use jointly the same elevator for the purpose of moving persons or freight from one floor to another, it shall be the duty of the owner of such building to provide a competent person or persons to regularly operate such elevator, and no other person shall operate such elevator. Provided, that such owner may arrange by agreement with one or more of such tenants to provide a regular operator or operators to run such elevator. ('19 c. 483 § 1)

**4052. Lock or fastening device**—Every elevator or the entrance to such elevator in any building mentioned in section 1 shall be provided with a lock or fastening device which shall prevent the use of such elevator except by a person authorized to operate the same, and such lock or fastening device shall be applied by the operator to the controlling apparatus or gate of such elevator before leaving the elevator without an authorized attendant. ('19 c. 483 § 2)

**4053. Inspection by labor commissioner**—It shall be the duty of the commissioner of labor and his assist-

ant, whenever they find an elevator in use in violation of this act, to seal the entrances of such elevator and attach a notice forbidding the use of such elevator until the provisions of this act are complied with. Any person, firm or corporation who violates any of the provisions of this act, or who removes any seal or notice forbidding the use of such elevator except by authority of the commissioner of labor, or who operates such elevator after a notice has been attached forbidding the use of such elevator except after such notice has been removed by authority of the commissioner of labor, shall be guilty of a misdemeanor, punishable by a fine or imprisonment. ('19 c. 483 § 3)

#### FOUNDRIES.

**4054. Definition of terms**—An iron or steel foundry shall mean a place where iron or steel or both metals are melted and poured into sand molds in the making of castings, together with all cleaning, core-making, drying, and wash rooms and toilet rooms used in connection therewith.

The term "entrance" as used in this act shall mean main doorways opening directly to the outer air.

The term "gangway" as used in this act shall mean well-defined passageways dividing the working floors of foundries, but not the spaces between molds. Spaces between molds shall be divided into three classes, which shall be known as "bull-ladle aisles," "hand ladle aisles" and "buggie-ladle aisles." ('19 c. 84 § 1)

**4055. Exemption of foundries**—Except as otherwise specified, the provisions of this act shall, as to the subjects covered herein, exempt foundries from the laws relating to factories and workshops. ('19 c. 84 § 2)

**4056. Protection of entrance to foundries**—Entrances to foundries shall be protected from November first to April first of each year by a covered vestibule, either stationary or movable, which shall be so constructed as to eliminate drafts and of such dimensions as to answer ordinary purposes, such as the passage of wheel-barrows, trucks, and small industrial cars. Provided, this shall not apply to entrances used for railroad or industrial cars handled by locomotives or motors, or for traveling cranes; or for vehicles, or for large industrial cars moved by hand; these entrances may remain open only for such time as is necessary for the ingress and egress of such cars, truck and trains.

No locomotive shall be permitted to remain inside the foundry during the loading or unloading of the cars. ('19 c. 84 § 3)

**4057. Size of gangways, etc.**—Main gangways where metal is carried by hand, bull or truck ladles shall be not less than five feet wide. Truck-ladle gangways which are not main gangways shall be not less than four feet wide. Bull-ladle aisles between floors shall be not less than three feet wide. Single hand-ladle or buggy-ladle aisles between floors shall be not less than eighteen inches wide. Where trolleys are used over molding floors for pouring metal, the aisles shall be of sufficient width to permit the safe ingress and egress of employes and the safe use of the ladles. The provisions of this section shall apply to all foundries hereafter established. In existing foundries, where it is impractical to widen the gangways and aisles to the width required in this section, the commissioner of labor, or assistants, may permit gangways and aisles to be of a narrower width. ('19 c. 84 § 4)

**4058. Gangways to be kept free and material of which same are to be constructed**—During the progress of casting, every gangway or aisle shall be kept entirely free from pools of water or obstructions of any nature. Every gangway where industrial tracks are

used shall be constructed of a hard material of substantial character, and the top of the rails shall be flush with the floor. Every gangway shall be kept in a good and safe condition at all times. ('19 c. 84 § 5)

**4059. Mechanical ventilation**—Where smoke, steam, gases or dust arising from any of the operations of the foundry are dangerous to the health or eyes, and where a natural circulation of air does not carry off the greater part of such smoke, steam, gases, or dust, there shall be installed and operated adequate mechanical means of ventilation. ('19 c. 84 § 6)

**4060. Molding room**—The cleaning and chipping of castings shall be done in cleaning rooms, except that castings may, when necessary, be chipped or cleaned in the molding room or where cast, provided sufficient protection is furnished by the use of a curtain or screen, or some other means equally good, to protect employes therein.

This section shall not apply if mechanical appliances are used for cleaning castings and the dust and particles arising therefrom are effectively removed. ('19 c. 84 § 7)

**4061. Exhaust systems in tumbler mills**—Where tumbler mills are used, exhaust systems shall be installed to effectively carry off the dust arising from the cleaning of castings, except where the mill is operated outside the foundry. This section shall not prohibit the use of a water barrel for cleaning castings. Sand blast operations shall be carried on in the open air or in a separate room used solely for that purpose. The milling of cupola cinders, when done inside the foundry, shall be carried on by an exhaust mill or water mill. ('19 c. 84 § 8)

**4062. When compressed air can not be used**—No cores shall be blown out of castings by compressed air unless such work is done outside of the foundry or in a special or dust proof enclosure. Employes engaged in cleaning castings by compressed air or sand blast shall wear eye guards and helmets, to be furnished by the employer. ('19 c. 84 § 9)

**4063. Hoods and pipes to be supplied**—When fumes, gases and smoke are emitted from drying ovens in such quantities as to be detrimental to the health or eyes of the employes, hoods and pipes or other adequate means of ventilation shall be provided. ('19 c. 84 § 10)

**4064. Artificial light**—Where natural light is insufficient to properly light the foundry, artificial light of sufficient power shall be provided.

The continuous use of hand torches or other lamps that emit injurious smoke and gases is prohibited. ('19 c. 84 § 11)

**4065. Heat**—Proper and sufficient heat shall be provided and maintained in every foundry. The use of the open Salamander stove, or stoves of that type, for heating purposes shall be prohibited, except in cases of emergency. ('19 c. 84 § 12)

**4066. Drying of ladles**—All hand and bull-ladles shall be dried outside of the foundry, or in accordance with section 6 of this act. A sufficient number of sheet iron shields shall be available in foundries for use in covering hand and bull-ladles. ('19 c. 84 § 13)

**4067. Drying of clothes**—Suitable facilities shall be provided for drying the clothing of such employes as may be found necessary. ('19 c. 84 § 14)

**4068. Water closets**—In every foundry where water closets or privy accommodations are permitted to remain outside of the foundry the passageway leading from the foundry to said water closets or privy accommodations shall be so constructed that the employes in passing thereto or therefrom shall not be exposed to outdoor atmosphere, and such passageways, water closets or privy accommodations shall be properly heated during cold weather. ('19 c. 84 § 15)

**4069. Number of closets**—Water closets shall be provided in every foundry and for each sex according to the following table:

Number of Persons	Number of Closets	Ratio
1 to 10	1	(1 for 10 )
11 to 25	2	(1 for 12 1/2)
26 to 50	3	(1 for 16 2/3)
51 to 80	4	(1 for 20 )
80 to 125	5	(1 for 25 )

('19 c. 84 § 16)

**4070. Individual lockers**—Individual lockers, arranged for locking, shall be provided for employes, and shall be placed either in a room used exclusively for that purpose, in the wash room, in the drying room, or at convenient places in the foundry. The necessity for individual lockers shall be determined by the commissioner of labor or his assistants. ('19 c. 84 § 17)

**4071. Inspection of appliances**—Ladles, shanks, tongs, slings and yokes, skimmers and slage hoes used in the pouring of molten metals shall, prior to their use, be inspected daily as their safety by the men preparing and using same; and in addition, a regular inspection, as to their safety shall be made once a month by a man designated for that purpose.

A monthly inspection shall also be made of the chains and cables on counterweights in connection with drying ovens, and reports of such inspection shall be made on prescribed forms and be kept on file for examination by the state factory inspector. ('19 c. 84 § 18)

**4072. Breaking of castings prohibited**—The breaking of castings by the use of a drop inside the foundry during the general working hours is prohibited. Where a drop is used for the breaking of castings or scrap outside of the foundry, a permanent shield of heavy planking or other adequate protection shall be provided. ('19 c. 84 § 19)

**4073. Females not to be employed in core rooms**—No female shall be employed in placing cores into ovens or in taking cores out of the ovens. ('19 c. 84 § 20)

**4074. Number of pounds specified**—No female employed in any core-making room shall be permitted to make or handle cores when the combined weight of core, core box and plate at which she is working shall exceed twenty-five (25) pounds. ('19 c. 84 § 21)

**4075. Various definitions**—A brass foundry shall mean a place where brass, aluminum, copper, tin, zinc, gold, silver or composition metals containing any of the foregoing metals are melted or poured into sand molds in the making of castings. Provided, that foundries where only aluminum is melted shall be covered by the provisions of this act governing iron and steel foundries.

The term "cellar," when used in this act, shall mean a room or part of a building which is one-half or more of its height below the level of the curb on the ground adjoining the building (excluding areaways).

The term "basement," when used in this act, shall mean a room or a part of a building which is one-half or more of its height above the level of the curb. ('19 c. 84 § 22)

**4076. Application to brass foundries**—The provisions of this act relative to dust, smoke, gases or fumes, ventilation, sanitation, heat, light, gangways and aisles, safety appliances, drying and locker accommodations, as specified for iron and steel foundries, shall apply to brass foundries. ('19 c. 84 § 23)

**4077. Detail construction in brass foundries**—In all brass foundries, when the crown plate of an upright melting furnace is elevated above the surrounding floor in excess of twelve inches, the furnace shall be equip-

ped with a platform with a standard rail; such platform shall be constructed of metal or other fireproof material, and shall extend along the front and sides of the furnace, flush with the crown plate, and shall be at least four feet in width, and shall be clear of all obstructions during pouring time. If the platform is elevated above the floor in excess of twelve inches the lowering from same of crucibles containing molten metal shall be done by mechanical means.

Where the combined weight of crucible, tongs and molten metal exceeds two hundred fifty pounds, the same shall be removed from the furnace and deposited on the floor by mechanical means. ('19 c. 84 § 24)

**4078. Protection for legs and feet**—All persons removing pots containing molten metal from furnaces and handling same shall be provided with protection for legs and feet. ('19 c. 84 § 25)

**4079. Gangways, etc.**—In all brass foundries gangway dirt and floor scrapings shall not be riddled in the room where workmen are employed, unless they are so dampened as to prevent dust arising therefrom. ('19 c. 84 § 26)

**4080. Casings for stoves**—Stoves used for drying molds, when located in the rooms used by workmen, shall be surrounded by a casing of fireproof material to the full height of the stove. ('19 c. 84 § 27)

**4081. Clearances**—No brass foundry shall hereafter be constructed with a clearance of less than fourteen feet between the lowest point of the ceiling and the floor, except that where a peak, sawtooth, monitor or arch roof is constructed the side walls may be of a minimum height of twelve feet. ('19 c. 84 § 28)

**4082. Reopening of foundries**—In case any foundry that was legally operated in a cellar or basement on January 1, 1919, shall be discontinued or unused for a period of more than four consecutive months, it can thereafter be reopened as a foundry only by complying with all the provisions of this act relating to future foundries. The occasional operation of a foundry for the purpose of evading this section shall not be deemed a continuance of use thereof. ('19 c. 84 § 29)

**4083. Commissioner of labor to enforce provisions**—The commissioner of labor and his assistants shall enforce the provisions of this act. Any person, firm or corporation violating any of the provisions of this act shall, if after written notice by the commissioner of labor or his assistants, of such violation they shall not after thirty days have complied with such notice be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred (\$100) dollars or by imprisonment not exceeding ninety (90) days. If an employe neglects to use the devices furnished under the provisions of this act he shall be guilty of a misdemeanor, punishable by a fine not exceeding ten dollars or imprisonment for not exceeding ten days. ('19 c. 84 § 30)

#### THE DEAF

**4084. Division for deaf**—There shall be created in the bureau of labor a division devoted to the deaf. ('13 c. 238 § 1) [3828]

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

**4085. 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) [3829]

**4086. Title of office**—He shall be designated as chief of the bureau of labor for the deaf. ('13 c. 238 § 3) [3830]

#### HOURS OF, AND RESTRICTIONS ON, LABOR

**4087. Ten hours to constitute one day's work, except persons over 16 years may labor extra hours for extra pay**—Unless a shorter time be agreed upon, or be provided by law, the standard day's work for hire shall be ten hours. Every employer and other person having control who shall compel any person to labor more than ten hours in any one day, shall be guilty of a misdemeanor; but persons of sixteen years of age and over, unless expressly forbidden by law, 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. (R. L. '05 § 1798; G. S. '13 § 3831, amended '17 c. 248 § 1)

145-270, 177-344.

**4088. Eight-hour labor law not to apply to road 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 road work. (R. L. '05 § 1799; G. S. '13 § 3832, amended '21 c. 388 § 1)

**4089. Eight hours to constitute day's labor by employes of state**—Eight hours shall constitute a day's work for all laborers, workmen, mechanics, prison guards, janitors of public institutions, or other persons now employed or who may hereafter be employed by or on behalf of the state of Minnesota, except in cases of extraordinary emergency which may arise in time of war, or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life. ('19 c. 40 § 1)

**4090. 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 [R. L.] § 4088, 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 § 4088, shall be guilty of a gross misdemeanor. (1800) [3833]

**4091. 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) [3834]

**4092. 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 employe 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 employe 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 employe 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) [3835]

**4093. 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) [3836]

**4094. 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) [3839]

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; 107-74, 119+510.

**4095. 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) [3840]

90-431, 97+137; 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).

**4096. Certificate, by whom issued—**An employment certificate shall be issued only by the superintendent of schools, or by some one 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 employe. ('07 c. 299, amended '12 c. 8 § 3) [3841]

**4097. 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 cannot 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) [3842]

**4098. 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 re-

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quired 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) [3843]

**4099. 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) [3844]

**4100. 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) [3845]

90-431, 97+137.

**4101. 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 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 of this act shall be fined \$10.00. Every person authorized to sign the certificate prescribed by section 5 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) [3846]

90-431, 97+137.

**4102. 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 de-

partment 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) [3847]

90-431, 97+137.

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**4103. 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

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234nw 682

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; 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) [3848]

103-515, 114+1131.

133-112, 157+996; 137-24, 162+680. The employment being "legally permitted" determines the character of liability. 142-141, 17+303.

Statute is primarily directed against the employer 145-171, 176+482.

**4104. 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) [3849]

**4105. 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 cannot 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) [3850]

90-431, 97+137, 101.

**4106. Prohibited employments — Exceptions** — No boy under sixteen years of age and no girl under eighteen years of age shall engage in or carry on or be employed or permitted or suffered to be employed in any city of the first, second or third class in the occupation of peddling, bootblacking or distributing or selling newspapers, magazines, periodicals or circulars

upon streets or in public places; provided, however, that any boy between fourteen and sixteen years of age, upon application to the school authorities as in the case of application for an employment certificate, and upon compliance with all the requirements for the issuance of an employment certificate, shall receive a permit and badge from the officer authorized to issue employment certificates which shall authorize the recipient to engage in said occupations between the hours of five o'clock A. M., and eight o'clock P. M., of each day, but at no other time, except as provided in section 3 hereof; and, providing further, that any boy between twelve and sixteen years of age, upon application as provided in the preceding section and upon due proof of age and physical fitness in the manner provided by law for the issuance of employment certificates, may receive a permit and a badge from the officer authorized to issue employment certificates which shall authorize the recipient to engage in said occupations during those hours between five o'clock A. M. and eight o'clock P. M., when the public schools of the city where such boy resides are not in session; but at no other time except as provided in section 3 hereof. ('21 c. 318 § 1)

**4107. Sale of extras**—Any boy who has received a permit and a badge may sell after eight o'clock in the evening extra editions of daily newspapers; provided, however, that nothing herein contained shall be construed to permit the violation of a curfew ordinance of any city. ('21 c. 318 § 2)

**4108. Issue and use of badges**—The sum of twenty-five cents (25c) shall be deposited with the city treasurer for the use of each badge, which sum shall be refunded upon its return. Badges shall not be transferable and shall be good only in the city in which they are issued. They shall be displayed by the recipient at all times while engaged in any of the occupations hereby permitted, in such manner as may be prescribed by the officer issuing the same. No boy to whom a permit and a badge have been issued as provided herein shall permit the same to be carried, worn or used by another. ('21 c. 318 § 3)

**4109. Violation of act delinquency—Enforcement**—Any child who persistently violates any of the provisions of this act shall be deemed delinquent. The school attendance officers of the cities to which this act applies are hereby charged with its enforcement. ('21 c. 318 § 4)

**4110. Recall and surrender of badge**—Any permit or badge issued as provided herein may be recalled at the discretion of the officer issuing the same; and upon an adjudication of delinquency against any boy to whom a permit and badge have been issued pursuant to the provisions of this act, the court may, in addition to such other correction as may be deemed advisable, require him to surrender his permit and badge for a period to be determined by the court. ('21 c. 318 § 5)

**4111. Act not applicable to carriers**—Nothing in this act shall be construed to apply to the regularly employed newspaper carriers or to persons distributing newspapers, magazines or periodicals to regular subscribers at their residences or established places of business. ('21 c. 318 § 6)

**4112. One day of rest in certain employments**—No person shall be employed in, or about, any mechanical or mercantile establishment, factory, foundry, laundry, power plant or stationary boiler or engine room, in this state, more than six days in any one week; provided, however, that this act shall not apply to employes of any common carrier by steam or gasoline or electric railway, nor employes of hospitals, clinics, sanatoriums or dispensaries, who are directly employed in the care of the sick nor to the employes of any telegraph or

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telephone company or employes engaged in conducting the telegraph or telephone business, nor to employes of any undertaker, undertaking establishment, cemetery association or company, nor to employes of newspaper plants, nor to employes in any canning factory or establishment, nor to employes engaged in the burning of kilns in potteries, sewer pipes or brick and tile factories where continuous fire is necessary, nor to employes in any creamery or cheese factory, in any town, village or city of the third or fourth class, nor employes engaged in the burning of lime or hydrating of lime, nor employes engaged in the manufacture of salt or refining of salt, nor to places of public amusements, nor to automobile garages, repair shops and oil filling stations, nor to licensed pharmacists or assistant pharmacists, nor to persons engaged in caring for live stock, nor to any employe working in or in connection with any flour mill or the operation thereof, or in or in connection with the milling industry or carrying on the same, nor heating plants in any building or edifice, when only one person is employed therein, nor to works of necessity or emergency whether caused by fire, flood, or danger to life and property, or otherwise, nor to those engaged in military or naval service. Whenever the Industrial Commission shall determine, after investigation upon application of an employer that an extraordinary rush in the business, industry or establishment of such employer requires the employes thereof or therein during any season or period of any calendar year to work more than six days a week in order to meet the demands of such business, industry or establishment, or its patrons, an emergency within the meaning of such term as used in this act, shall be deemed to exist therein; provided, however, that there shall not be more than one such period or season and the same shall not continue for more than three consecutive months in any one calendar year; and, provided, that no employe shall in any such case be required to work more than six days within any one week without his consent; and, provided further, that it shall be the duty of the Industrial Commission, upon application of any employer in such form as the Commission shall prescribe, as herein provided, to determine whether or not any such extraordinary rush of business exists, and make its order accordingly and file and keep the same as a part of its records. ('23 c. 298 § 1)

**4113. Employer to arrange for enforcement of act**—Every employer subject to the provisions of this act shall arrange the work of his, her or its employes in such a manner as to carry out the provisions hereof, and shall post in the place of employment, a schedule, showing the working period of each employe for each week, designating clearly the day of the week which shall be rest-day for each employe. The employer shall file with the Industrial Commission of this state a copy of such schedule, and of every change that may be made therein. ('23 c. 298 § 2)

**4114. Violations — Penalties**—Any employer who shall require, permit or suffer, except as hereinbefore provided, any person to work in any of the places or employments mentioned in section 1 of this act and not excluded from the provisions thereof, more than the number of days provided for therein, during any week, or who shall fail, neglect or refuse to arrange the work of the persons in his, her or its employ so that they shall not work more than the number of days provided for herein during any one week, or who shall permit or suffer any superintendent or other agent of any such employer to violate any of the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished for

each such offense, by a fine of not less than twenty-five dollars or more than one hundred dollars. ('23 c. 298 § 3)

**4115. Industrial Commission to enforce act**—It shall be the duty of the Industrial Commission of this state to aid to the fullest possible extent in the enforcement of the provisions of this act, and in the prosecution of all violations thereof. ('23 c. 298 § 4)

**4116. Hours of female employes limited**—No female shall be employed at any business or service whatever more than nine and a half hours in any one day and fifty-four hours in any one week; provided, that this act shall not apply to women employed as domestics in the home, or to persons engaged in the care of the sick or injured, or to cases of emergency in which the safety, health, morals or welfare of the public may otherwise be affected, or to cases in which night employes may be at the place of employment for no more than twelve hours and shall have opportunity for at least four hours of sleep; or to telephone operators in municipalities of less than 1,500 inhabitants. ('23 c. 422 § 1)

**4117. Employers not to permit violations of act**—It shall be unlawful for any employer of labor to employ, cause to be employed or permit any female employe to labor any number of hours whatever, with knowledge that such female has heretofore been employed within the same date and day of twenty-four hours in any establishment and by any previous employer, for a period of time that will, combined with the period of employment by a previous employer exceed nine and a half hours; provided, that this shall not prevent the employment of any female in more than one establishment where the total number of hours worked by said employe does not exceed nine and a half hours in any one day of twenty-four hours. If any female shall be employed in more than one such place, the total number of hours of such employment shall not exceed nine and a half hours during any one day or twenty-four hours or fifty-four hours in one week. ('23 c. 422 § 2)

**4118. Penalties for violation**—Any employer or any agent acting for an employer who shall require or permit or suffer any female to work at any business or service whatever more than the number of hours provided for in section 1 of this act, more than nine and a half hours in any one day or more than fifty-four hours in any one week; or who shall fail, neglect or refuse so to arrange the work of females in his employ that they shall not work more than the number of hours provided for in this act during any one day or any one week, or who shall knowingly permit or suffer any overseer, superintendent, foreman or forelady, or other agents of any employer to violate any of the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall, at the discretion of the court, be fined for each offense in the sum of not less than twenty-five dollars or more than one hundred dollars, and whenever any person shall have been notified by the Industrial Commission of Minnesota, or by the service of a summons in a prosecution that he is violating such provision, he shall be punished by like penalty in addition for each and every day that such violation shall have continued after such notification. ('23 c. 422 § 3)

**4119. One hour for meals—Exceptions**—In every establishment provided for in section 1 of this act at least sixty minutes shall be allowed for regular meals unless the Industrial Commission of Minnesota shall permit a shorter time.

Such permit must be in writing and conspicuously posted in the workroom of the establishment where women are employed and may be revoked at any time. ('23 c. 422 § 4)

4116 Et seq. 27 — 34  
4116 Et seq. 09 — 499R  
13 — 581R  
23 — 422R  
33 — 354  
See 4126

4114 Unconstitutional 61-M 376 01-NW 610

4120. Abstract of act to be posted—Every employer to whom this act shall apply shall keep posted in a conspicuous place in the workroom where such females shall be employed or permitted to work, a printed abstract of the provisions of this act. ('23 c. 422 § 5)

4121. Schedule of hours to be posted—A printed schedule stating the number of hours per day for each day of the week required of such persons and the time when such work shall begin and end, shall be kept posted in a conspicuous place in each room where females are employed, but such persons may begin their work after the time of beginning and stop before the time for ending such work mentioned in this notice, but they shall not otherwise be employed or permitted or suffered to work in any establishment except as stated herein. ('23 c. 422 § 6)

4122. Industrial Commission to provide schedules—The Industrial Commission of Minnesota shall supply the abstract of the provisions of this act and the form for the schedules of hours of labor required for this act to all employers to whom this act shall apply. ('23 c. 422 § 7)

4123. Employers to keep time books—Every employer shall keep a time book or record for every female employe in his establishment, stating the number of hours worked by her each day and the total hours of each week, and the hours of beginning and stopping such work. Such time book or record shall be open to the inspection of the members of the Industrial Commission of Minnesota. The employer who wilfully fails to keep such a time book or record as required by this section, or makes any false statements therein, or refuses to exhibit such time book or record, or makes false statements to the members of the Industrial Commission of Minnesota in reply to any questions put in carrying out the provisions of this section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall, at the discretion of the court, be fined for each offense the sum of not less than ten dollars or more than twenty-five dollars, or by imprisonment for not exceeding ten days. ('23 c. 422 § 8)

4124. Industrial Commission to enforce act—The Industrial Commission of Minnesota shall be charged with the duty of enforcing the provisions of this act and prosecuting all violations thereof. ('23 c. 422 § 9)

4125. Each section independent—Each section of this act and every part thereof is hereby declared to be an independent section or part of a section, and if any section, sub-section, sentence, clause or phrase of this act shall for any reason be held unconstitutional, the validity of the remaining phrases, clauses, sentences, sub-sections and sections of this act shall not be affected thereby. ('23 c. 422 § 10)

4126. Inconsistent act repealed—All acts and parts of acts in conflict with the provisions of this act are hereby repealed. ('23 c. 422 § 11)

4127  
WAGES 160-M 454.

4127. Penalty for failure to pay wages promptly—Whenever any person, firm, company, association or corporation employing labor within this state discharges a servant or employe from his employment, the wages actually earned and unpaid at the time of such discharge shall become immediately due and payable upon demand of such employe, at the usual place of payment, and if not paid within twenty-four hours after such demand, whether such employment was by the day, hour, week, month or piece, such discharged employe may charge and collect wages at the rate agreed upon in the contract of employment, for such period, not exceeding fifteen days (after the expiration of said twenty-four hours) as the employer

is in default, until full payment or other settlement, satisfactory to said discharged employe, is made. ('19 c. 175 § 1)

4128. Notice to be given—Settlement of disputes—Whenever any such employe (not having a contract for a definite period of service), quits or resigns his employment, the wages earned and unpaid at the time of such quitting or resignation shall become due and payable within five days thereafter, at the usual place of payment, and any such employer failing or refusing to pay such wages, after they so become due, upon the demand of such employe at such place of payment, shall be liable to such employe from the date of such demand for an additional sum equal to the wages provided in said contract of employment, for every day (not, however, exceeding fifteen days in all), until such payment or other settlement satisfactory to said employe, is made; provided, that if any employe having such a contract as is above defined, gives not less than five days' written notice to his employer of his intention to quit such employment, the wages of the employe giving such notice shall become due at the usual place of payment twenty-four hours after he so quits or resigns, and payment thereof may be demanded accordingly, and the penalty herein provided shall apply in such case from the date of such demand; provided further, that if the employer disputes the amount of wages claimed by such employe under the provisions of this, or the preceding section, and the employer in such case makes a legal tender of the amount which he in good faith claims to be due, he shall not be liable for any sum greater than the amount so tendered and interest thereon at the legal rate, unless, in an action brought in a court having jurisdiction, such employe recovers a greater sum than the amount so tendered with such interest thereon; and if, in such suit, said employe fails to recover a greater sum than that so tendered, with interest as aforesaid, he shall pay the cost of such suit; otherwise the cost thereof shall be paid by said employer; provided further, that in cases where such discharge or quitting employe was, during his employment intrusted with the collection, disbursement or handling of money or property, the employer shall have ten secular days after the termination of the employment, to audit and adjust the accounts of such employe before his or her wages shall become due and payable, and the penalty herein provided shall apply in such case only from the date of demand made after the expiration of such period allowed for such audit and adjustment; and if, upon such audit and adjustment of said accounts of such employe, it is found that any money or property intrusted to him by his employer has not been properly accounted for or paid over to the employer, as provided by the terms of the contract of employment, such employe shall not be entitled to the benefit of this act, but the claim for earned and unpaid wages of such employe, if any, shall be disposed of as provided by existing law. ('19 c. 175 § 2)

4129. When employe shall not be entitled to benefits—No such servant or employe who secretes or absents himself to avoid payment to him or refuses to receive the same when fully tendered, shall be entitled to any benefit under this act for such time as he so avoids payment. Provided, when any number of employes enter upon a strike, the wages due such striking employes at the time of entering upon such strike shall not become due until the next regular pay day after the commencement of such strike. ('19 c. 175 § 3)

4130. Construction—This act shall not be construed to apply to any person employed exclusively as a farm laborer, nor to any employer or an individual, co-part-

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nership or corporation that is bankrupt, or where a receiver or trustee is acting under the direction of the court. Payment or tender by check drawn on a bank situated in the county where a laborer is employed shall be a sufficient payment or tender to comply with the provisions of this act. ('19 c. 175 § 4)

**4131. Costs to be paid by defendant**—In any action by any such employe as is described in this act, for the recovery of unpaid wages after the time when such wages shall have become due, as herein provided, there shall be allowed to the plaintiff, and included in any judgment rendered in his favor, in addition to his disbursement allowed by law, if the judgment be recovered in a justice court, five dollars costs, and a like sum if the judgment be recovered in municipal court and such plaintiff shall be allowed double statutory costs in any such action in any court in which statutory costs are now allowed by law in ordinary actions. ('19 c. 175 § 5)

**4132. Inconsistent acts repealed**—All acts, or parts of acts, inconsistent with this act, are hereby repealed. ('19 c. 175 § 6)

**4133. 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) [3857]

**4134. Payment of salary or wages earned by non-negotiable instruments unlawful and penalty for same**—It shall be unlawful for any person, firm or corporation other than public service corporations to issue to any employee in lieu of or in payment of any salary or wages earned by such employee, a non-negotiable time check or order. Any person, firm or corporation so issuing a non-negotiable instrument in lieu of or in payment of such salary or wages earned, shall be guilty of a misdemeanor. ('17 c. 348 § 1)

**4135. When assignment, sale or transfer of wage or salary is not to be effective**—No assignment, sale or transfer, however made or attempted to be made, of any wages or salary, 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 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 are accruing, or may accrue. ('05 c. 309 § 1, amended '17 c. 321 § 1) [3858]

Certain assignments validated and legalized. '17 c. 454 § 1.

125-211, 146+359; 144-141, 174+827.

**4136. 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) [3859]

**4137. 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 assign-

ment, shall be absolutely void. ('05 c. 309 § 3) [3860]

**4138. Assignment of unearned wages as security, etc.**—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) [3861]

**4139. Semi-monthly payments**—All public service corporations doing business within this state are required to pay their employees at least semi-monthly, the wages earned by them to within fifteen (15) days of the date of such payment, unless prevented by inevitable casualty.

Provided, however, that whenever an employee shall be discharged, his wages shall be paid to him at the time of his discharge or whenever he shall demand the same thereafter. ('15 c. 29 § 1, amended '15 c. 37 § 1)

**4140. Penalty for failure to make payment**—Whenever any public service corporation shall for five days neglect or refuse to pay its employees as prescribed by section 1 of this act, the wages due them may be recovered by action without further demand, and there shall be allowed to the plaintiff, and included in his judgment, in addition to his disbursements allowed by law, five dollars costs if the judgment be recovered in a justice court, and a like sum if the judgment be recovered in a municipal court, where no statutory costs are now allowed in such municipal court in such action, and double costs in all other courts or on appeal. ('15 c. 29 § 2, amended '15 c. 37 § 2)

DANGEROUS MACHINERY

4141  
153-M 228  
158-M 503  
198-NW 290

**4141. Dangerous machinery, how guarded—Defective machines, etc.—Powers of commissioner**—The in-taking 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

4141  
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Sec 4100

every description in or near to which any employe 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) [3862]

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 not reasonably have anticipated injury in the precise way it occurred (70-161, 72+1062; 83-25, 85+826; 93-242, 101+300). Does not change common law rule as to contributory negligence or assumption of risk (57-79, 69+630; 82-407, 85+157; 89-132, 94+436; 91-509, 98+645; 93-242, 101+300; 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; 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). Limited to protection of employees (78-3, 80+693; 117-348, 135+1129. Liability in case of children (90-431, 97+137; 95-356, 104+291; 107-74, 119+510).

Mere fact that machinery had not been manufactured with guard, or that it had not been customary to use guards is no excuse (105-80, 117+238. 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; 118-357, 136+1039. See, also, 105-80, 117+238; 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 engine. 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).

Charitable institutions (122-10, 141+837; 124-19, 144+431; 124-65, 144+434, 190+258).

Risk assumed (125-29, 145+628).

Warning (129-432, 152+840).

Owner supervising (190+258).

**4142. 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) [3863]

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).

**4143. Compulsory communication between workrooms**—Where the machinery in any room is propelled by power transmitted directly from another room or from another building and the machinery in each workroom cannot be disconnected and stopped in such workroom, communication shall be provided between each workroom in which machinery is placed and the room in which the engineer or other person having control of the power-generating apparatus is stationed

by means of speaking tubes, electric bells, telephones or appliances that may control the motive power. ('13 c. 316 § 3, amended '19 c. 107 § 1) [3864]

**4144. 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) [3865]

**4145. 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) [3866]

133-29, 157+899.

**4146. 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) [3867]

**4147. 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) [3868]

**4148. Removing safety appliances**—No employes 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) [3869]

**4149. 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

4147  
171-M 40  
214-NW 26  
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171m 408  
214nw 260  
See 4152

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) [3870]

133-303, 158+431; 137-24, 162+680; 142-141, 171+303.  
**4150. 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) [3871]

Student elevator operator 133-112, 157+995.

**4151. 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) [3872]

**4152. 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) [3873]

70-161, 72+1062; 78-3, 80+693.

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 also 121-388, 141+488; 125-29, 145+628; 129-79, 151+542, 190+258; 140-371, 168+131.

**4153. 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 de-

vice, 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 employe 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) [3874]

Liability of the master as to scaffold construction prior to present statute (128-71, 149+954; 131-476, 155+768; 190+258).

**4154. 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) [3875]

**4155. 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) [3876]

**4156. 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) [3877]

**4157. 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) [3878]

**4158. Fire escapes—Counter balance stairs**—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 escape for every one hundred persons employed above the first floor. Every such fire escape shall be on the outside of the building,

4150  
198-NW 294  
4152-53  
15-187  
53-M 229  
57-M 173  
95-NW 893

4152  
35-M 310  
71-M 408  
71-M 440  
6-NW 435  
12-NW 903  
14-NW 269  
14-NW 659

4153  
234nw 687

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 a counter-balanced stair, 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 stairway 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 opening 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 set in metal frames. Such fire escape shall be kept free of snow, ice and all other obstructions. 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 incombustible material as directed by the labor commissioner. Such inflammable waste and materials shall be removed from the workrooms each day, and not permitted to accumulate. Each factory, mill and work shop 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. Provided, that when a building is equipped with an automatic sprinkler system, installed in accordance with the rules of the board of fire underwriters, inside standpipes or other extinguishing apparatus shall only be required when deemed necessary by the commissioner of labor. ('13 c. 316 § 18, amended '19 c. 108 § 1) [3879]

137-24, 162+680.

**4159. 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) [3880]

**4160. 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) [3881]

190+258.

**4161. "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) [3882]

**4162. 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) [3883]

124-19, 144+431; 125-31, 145+628.

**4163. 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) [3884]

Corn husking machine unguarded. 133-28, 157+899.

**4164. 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) [3885]

**4165. 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) [3886]

**4166. Employer must furnish helmets**—It shall be unlawful for any employer of labor in this state to require or permit any employe to engage in any occupation or process of employment in which there is danger of serious injury to the eyes of such employe, or of surrounding workmen, from flying objects or particles thrown by machines or tools, or from the splashing of hot substances or chemicals, unless and until the employer shall furnish to each employe subjected to such hazards goggles, helmets, or other practical protective devices to prevent such injuries. ('21 c. 113 § 1)

**4167. Employe must wear helmet**—It shall be unlawful for any employe to engage in any occupation or process of employment mentioned in section 1 of this act unless he shall wear or use the protective devices furnished by the employer during the entire

time he is engaged in such occupation or employment. ('21 c. 113 § 2)

**4168. Application.** The provisions of this act shall not apply to persons employed in steam and electric transportations. ('21 c. 113 § 2½)

**4169. Commission to approve devices—**The goggles and helmets required in section 1 of this act shall be of a design and material approved by the commissioner of labor for the purposes required, and shall be furnished separately for each employe using them without cost to such employe, and no employe shall be required nor shall he use the goggles or helmet furnished to another until the same has been adequately sterilized to prevent the transmission of diseases. ('21 c. 113 § 3)

**4170. Violations—Penalties—**Every employer neglecting or refusing to furnish the goggles, helmets, or other protective devices required in this act, after being notified to do so by the commissioner of labor or his assistants, or who requires an employe to use the goggles or helmet provided for another employe before the same has been properly sterilized, and any employe who neglects or refuses to use the devices furnished by the employer, or who uses the goggles or helmet furnished to another before it has been properly sterilized, shall be guilty of a misdemeanor, punishable by a fine of not less than twenty-five (\$25) dollars, or by imprisonment for not less than fifteen (15) days. Violations of this act shall not affect the right of an employe to compensation or to damages under the laws of this state for injury sustained by neglect to comply with the requirements of this act. Provided, however, that this act shall not apply to nor include farm labor. ('21 c. 113 § 4)

· Question whether section extends to others besides employes. 124-65, 144+434.

**4171. Definition—**The term "all places of employment" as used in this act shall mean any place, either inside or outside, where any business or industry is carried on and in which persons are employed and shall include factories, mills, workshops, laundries, dyeing and cleaning establishments, mercantile establishments, offices and office buildings, hotels, restaurants, theatres and other places of amusement, transportation systems, public utilities, engineering works, the erection of buildings, and yards; but shall not be construed to apply to domestic service or agricultural labor. ('19 c. 491 § 1)

**4172. Duty of employer—**In all places of employment it shall be the duty of the employer to keep the floors and walls of buildings or parts of buildings, the grounds surrounding such buildings, and the machinery, fixtures and utensils in such buildings, over which he may have control, in as clean and sanitary a condition as the nature of the industry will permit. Where wet processes are used, the floors must be so drained that there is no measurable depth of water in which employes must stand while working. Where practicable, dry standing room must be provided for all employes. Suitable receptacles shall be provided and used for the storage of waste and refuse; such receptacles shall be maintained in a sanitary condition. All waste, refuse, sweepings and decomposed matter shall be removed from such buildings daily, and in such manner as not to cause a nuisance. All cleaning shall be done, as far as possible, out of working hours; but if done during working hours, shall be done in such a manner as to avoid unnecessary raising of dust or noxious odors. All such places of employment shall be well drained and the plumbing thereof at all times kept in proper repair and in a clean and sanitary condition. In all such places of employment the floors shall be scrubbed and the walls cleaned whenever and so often as the commissioner of labor deems it necessary. ('19 c. 491 § 2)

**4173. Arrangements of, and sanitary conditions of interior of buildings—**Every place of employment used for the preparation, manufacture, sale, or storage of food products shall be properly lighted, drained, plumbed, and ventilated, and conducted with strict regard to the influence of such conditions upon the health of persons therein employed, and the purity and wholesomeness of the food products therein prepared, manufactured, sold or stored. The side walls and ceilings of all rooms used for the purposes named in this section shall be of a material that can easily be cleaned and kept clean, and shall be limewashed or painted whenever in the opinion of the commissioner of labor the same is necessary. The floors in such places shall be impermeable, and made of cement or tile laid in cement, brick, wood or other suitable, non-absorbent material which can be flushed and washed clean with water or otherwise kept in a clean and sanitary condition. The doors, windows, and other openings of such places shall, where practicable, be fitted with stationary or self-closing screen doors and wire window screens during such months as they are necessary to exclude flies and other insects. No employe of any such place shall expectorate or discharge any substance from his mouth or nose on the floor or interior side wall of any room used for the purposes mentioned in this section. Cuspidors, for the use of employes, shall be provided, and each cuspidor shall be emptied and washed out daily with disinfectant solution and a portion of such solution shall be left in each cuspidor while in use. No water closet, earth closet, privy, ash pit, or sleeping room for employes shall be in, or communicate directly with any room used for the purposes mentioned in this section. All employes of such places, engaged in the manufacture and handling of bakery products shall wear clothing of washable material which shall be used for that purpose only, and such garments shall be kept clean at all times. ('19 c. 491 § 3)

**4174. Ventilation—**In every place of employment the employer shall provide in each workroom thereof, proper and sufficient means of ventilation, and shall maintain proper and sufficient ventilation. If excessive smoke, steam, gas, fumes, vapors, dust or other impurities are created or generated by the manufacturing process or handicraft carried on therein, in sufficient quantities to obstruct the vision, or to be irritating, obnoxious, or injurious to the health or safety of the employes therein, the rooms shall be ventilated in such manner as to remove them or render them harmless, so far as is practicable. If in the opinion of the commissioner of labor it is deemed necessary, he may order the installation of exhaust fans and other mechanical means of a proper construction to effectively remove from the point of origin such smoke, steam, gases, fumes, vapors, dust or other impurities. If the removal of such smoke, steam, gases, fumes, vapors, dust or other impurities is, because of the nature of the process, impracticable, the commissioner of labor may, if he deems it necessary to the health of the workers in any place of employment, order the isolation of such process or handicraft in a separate room or building. ('19 c. 491 § 4)

**4175. Certain employes in certain rooms—**No more employes shall be required or permitted to work in a room in any place of employment than will allow to each of such employes not less than four hundred (400) cubic feet of air space, unless by a written permit of the commissioner of labor such amount of air space for each employe may temporarily be reduced to not less than two hundred fifty (250) cubic feet of air space. Provided, that no such permit shall be issued for a room in which smoke, gas, fumes, dust or vapors

4174 24  
161-M  
4174  
201-NW 305  
4174  
230nw 125  
4174  
180m 21

are generated or in which there are fires consuming oxygen. ('19 c. 491 § 5)

4176. **Heat and ventilation**—In every place of employment the workrooms shall, so far as the nature of the industry will permit, be properly heated during cold weather. In every place of employment where excessive heat be created in any of the workrooms by the nature of the process therein carried on it shall be the duty of the employer to provide heat deflectors, exhaust fans and such other mechanical means that are necessary to protect from the heat and to carry off, so far as practicable, such excessive heat and to cool off such workrooms. After the passage of this act it shall be unlawful in any place of employment to establish any process or handicraft which creates excessive heat in any workroom the ceiling of which is less than eight feet from the floor of such workroom or the floor of any balcony in such workroom.

The use of salamanders or other heaters that discharge smoke or gas into a workroom in which workers are employed is prohibited. ('19 c. 491 § 6)

4177. **Toilet facilities**—In every place of employment there shall be provided adequate toilet facilities which shall be located conveniently to and easily accessible from all places where persons are employed. Each water-closet, urinal, lavatory or slop sink located in a toilet room, must be connected with a sewer system where a sewer system is available. Indecent or suggestive marks, pictures or words are forbidden in toilet rooms, and such defacement when found by the employer must be at once removed. ('19 c. 491 § 7)

4178. **Sanitation**—All toilet rooms not having sewer connection and maintained outside of buildings where persons are employed, shall on new installations be at least twenty-five (25) feet from such buildings. In all places of employment where the workers are exposed to excessive heat, humidity, or fatigue from physical exertion, there shall be a covered passageway connecting said buildings with such toilet or toilets. ('19 c. 491 § 8)

4179. **Separate toilets**—In all places of employment where five or more persons are employed and are of opposite sex, separate toilets for each sex shall be provided and maintained. Such toilets shall be so marked as to designate plainly and distinctly the sex for whose use they are intended, and no person shall be allowed to use the toilet room assigned to the opposite sex. ('19 c. 491 § 9)

4180. **Construction of toilets**—The toilets in all places of employment must be so constructed as to insure privacy. The outside partitions of all toilet rooms shall be of solid construction, and may be opaque or translucent, but not transparent, and shall extend from floor to ceiling, or such rooms shall be independently ceiled over. All partitions separating toilet rooms provided for the different sexes shall be constructed of such materials as are not transparent or translucent, and they shall be sound-proof, and no opening in such partitions shall be permitted. If the water-closet is not located within a separate compartment in the toilet room, the entrance to such toilet room shall be provided with a screen of sufficient height and width to insure privacy. The floors of all toilet rooms shall be tight, smooth and constructed of a material that can be kept in a sanitary condition. The walls and ceiling shall be tight and of such substance that can be readily cleaned and kept clean. ('19 c. 491 § 10)

4181. **To be kept in perfect condition**—In all places of employment the toilet rooms, and every part thereof, including the floor, walls and ceiling, and all fixtures therein, must be kept in a clean condition. All toilet rooms and water-closet compartments shall be ade-

quately illuminated by natural or artificial light. All toilet rooms not lighted by windows that open easily shall be adequately ventilated to the outside air by artificial means. All toilet facilities shall be adequately protected to prevent the entrance and breeding of flies, so far as practicable. All toilet rooms, wherever practicable shall be adequately heated at all times. ('19 c. 491 § 11)

4182. **Ratio of toilets**—In all places of employment, water-closets shall be provided in the following number and ratio: When there are one hundred (100) or less persons on a shift employed, there shall be one water-closet for every twenty (20) persons; when there are one hundred (100) to five hundred (500) persons on a shift, there shall be one water-closet to every thirty (30) persons; when there are five hundred (500) to one thousand (1,000) persons on a shift, there shall be one water-closet to every thirty-five (35) persons on a shift, and when there are over one thousand (1,000) persons on a shift, there shall be one water-closet to every forty (40) persons on a shift.

When there are more than one hundred (100) men employed on a shift there shall, in addition to the water-closets required by this section, be provided one urinal for every fifty (50) men.

Urinals shall be either individual or slab urinals. At least two (2) feet of slab urinal shall be considered the equivalent of one (1) individual urinal. ('19 c. 491 § 12)

4183. **Washing basins and individual towels**—Every place of employment shall provide, without expense to the employe, adequate facilities for washing the hands and face of the employes. Individual towels shall be provided by the employer, and the use of towels in common is prohibited.

In all places where food is prepared or manufactured; in all places where poisonous or injurious materials are handled by the employes, and in all places where the employes are required by the nature of the process at which they are employed to become covered with oil, grease, soot, or other material not easily removed, the employer shall provide hot and cold water and soap in sufficient quantities to permit employes to make themselves clean. ('19 c. 491 § 13)

4184. **Dressing rooms**—In every place of employment in which a change of clothing is necessary for any of the employes in doing their work, suitable dressing rooms shall be provided and shall be separate for the sexes. All such dressing rooms shall be kept in a clean and sanitary condition and be adequately ventilated. In all places of employment where poisonous compounds are handled by the employes, facilities for hanging and storing both working and street garments shall be provided so that they will not come in contact with each other, nor with the garments of others. All such dressing rooms installed after the passage of this act shall be enclosed by means of solid partitions or walls, shall be so separated from toilet rooms, and shall have at least one window opening to the outer air, or other means of properly ventilating such rooms. ('19 c. 491 § 14)

4185. **Eating of food**—In every place of employment it shall be unlawful to keep or eat any food in a room in which the dust or fumes of poisonous compounds are present. In such places of employment the employer shall provide a suitable place in which employes may eat their meals. No employe engaged in handling such poisonous compounds shall go out or be allowed to go out for lunch or to eat his or her lunch on the premises without first washing his or her hands, and, if necessary, washing his or her face. ('19 c. 491 § 15)

**4186. Seating capacity**—In all places of employment where women are employed, the employer thereof shall provide and maintain suitable seats, with proper backs where practicable, for the use of such women employes, and permit the use thereof by such employes to such an extent as may be reasonable for the preservation of their health. In all places where women are engaged in work which can be properly performed in a sitting posture, suitable seats, with backs where practicable, shall be supplied in every factory for the use of all such women employes and permitted to be used at such work. The commissioner of labor may determine when seats, with or without backs, are necessary and the number thereof. ('19 c. 491 § 16)

**4187. Drinking water**—Every place of employment shall provide, without expense to the employes, an adequate supply of pure drinking water. When practicable, ice used for cooling purposes shall be applied in such manner that the ice itself will not come in contact with the drinking water, and the water from the melting ice shall not become mixed with the drinking water. In all places of employment where no running water can be provided, the receptacle for holding the drinking water shall at all times be kept in a clean and sanitary condition, and must be kept covered to prevent dust or impurities from entering such receptacle. ('19 c. 491 § 17)

**4188. Owner to carry out provision of act**—Whenever any building is occupied by more than one place of employment and the halls, stairs, toilets, or other portions of the building are used jointly by more than one tenant, or in which conditions prohibited by this act are jointly created by more than one tenant, it shall be the duty of the owner of such building to carry out the provisions of this act. Provided, that the owner of any such building may arrange by agreement, with one or more of his tenants to assume responsibility for carrying out the provisions of this act. ('19 c. 491 § 18)

**4189. Commissioner of labor to enforce provisions**—It shall be the duty of the commissioner of labor to enforce the provisions of this act. Thirty (30) days' notice shall be given for any new installations required by this act before any criminal proceeding shall be commenced; but the commissioner of labor may, for good cause shown, extend the time to a longer period. All orders to place toilets, floors and receptacles in a sanitary condition shall be complied with in forty-eight (48) hours. Any persons, firm or corporation violating the provisions of this act, or failing to comply, in the time specified, with any order of the commissioner of labor, shall be guilty of a misdemeanor, punishable by fine or imprisonment at the discretion of the court. Any person, firm or corporation aggrieved at any order of the commissioner of labor issued pursuant to this act may apply for a restraining order to the district court in the manner and as provided in section 3822, General Statutes of 1913. ('19 c. 491 § 19)

**4190. Certain sections repealed**—Sections 3837, 3838, 3887, 3890, 3853, 3854 and 3855, and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed. ('19 c. 491 § 20)

**4191. 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) [3888]

**4192. 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) [3889]

**4193. 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) [3891]

**4194. Scope of report**—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 employe, which occurs in the course of his or her employment and which causes death or serious injury, within forty-eight hours of the occurrence of such injury and of all other accidents, which occur to any of its, his or their employes within the scope of their employment, and of which the employer or his foreman has knowledge, 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 the remainder of the day, shift or turn on which the injury was incurred, 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 at which injured.
- (j) Dependents or nearest relative, in fatal cases, if known.

Provided, that accidents required to be reported within forty-eight hours may be reported by telegram, telephone or personal notice. The written report of such accident shall then be made within fourteen 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.

Provided, further, that when an accident has been reported which subsequently terminates fatally, a supplementary report shall be filed with the commissioner of labor by the employer within forty-eight hours after he receives knowledge of such death, stating that the injury has proved fatal. ('13 c. 416 § 1, amended '19 c. 359 § 1) [3892]

150-365, 185+388.

**4195. Copies of settlement**—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 within ten days after such settlements are made and shall become part of the permanent records of the department. ('13 c. 416 § 2, amended '19 c. 359 § 1) [3893]

**4196. Failure to report**—The failure to make such reports or file such copies of settlements or releases, on the part of any person, copartnership or corporation required hereby to make or file the same, within the time herein specified, is hereby declared to be a misdemeanor. ('13 c. 416 § 3, amended '19 c. 359 § 1) [3894]

**4197. Admissibility of report**—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 employe 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, amended '19 c. 359 § 1) [3895]

**4198. 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) [3899]

**4199. Same—Failure a misdemeanor**—If any physician, when required by section 1 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) [3900]

**4200. 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) [3901]

**4201. Interference with employment**—No individual, corporation, member of any firm, or any agent, officer, or employe 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) [3902]

**4202. Conditions precedent not required**—No person, whether acting directly or through an agent, or as the agent or employe 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 offense, 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) [3903]

#### DIVISION OF BOILER INSPECTION

**4203. Division of boiler inspection established**—On and after the first day of June, 1921, there shall be a division in the Department of Labor and Industries to

be known as the "Division of Boiler Inspection." The chief of such division shall be known as the "Chief of the Division of Boiler Inspection" and he shall have an assistant to be known as the "Deputy Chief of the Division of Boiler Inspection." There shall also be in such division a District Boiler Inspector for each Boiler Inspection District then provided for by law. ('21 c. 83 § 1)

**4204. Powers and duties**—On and after the first day of June, 1921, the powers and duties then by law vested in and imposed on the Board of Boiler Inspectors, the District Boiler Inspectors, the Chief Boiler Inspector and his subordinates, shall be exercised and performed by the Industrial Commission and its subordinates as functions of the Division of Boiler Inspection. ('21 c. 83 § 2)

**4205. Boiler inspector to be head of division**—On the first day of June, 1921, the then incumbent of the office of Chief Boiler Inspector shall become "Chief of the Division of Boiler Inspection," the then incumbent in the office of Deputy Chief Boiler Inspector shall become "Deputy Chief of the Division of Boiler Inspection," and the then incumbents of the offices of District Boiler Inspectors shall become District Boiler Inspectors under this act; and all persons then holding subordinate positions in the office of Chief Boiler Inspector shall be transferred by the Industrial Commission to the Division of Boiler Inspection and assigned to such positions as the Industrial Commission shall designate. ('21 c. 83 § 3)

**4206. Offices of officials terminate**—On and after the first day of June, 1921, the Board of Boiler Inspectors and, as now constituted, the offices of Chief Boiler Inspector and Deputy Chief Boiler Inspector shall terminate. ('21 c. 83 § 4)

**4207. Fees**—All fees hereafter collected in the administration of functions heretofore exercised and performed by the Board of Boiler Inspectors, District Boiler Inspectors, Chief Boiler Inspector and Deputy Chief Boiler Inspector, except as otherwise provided by Chapter 240, Laws of 1919 shall be paid into the State Treasury in the manner provided by law for fees received by other state departments. ('21 c. 83 § 5)

**4208. Reports and notices**—All reports and notices heretofore required by law to be made, or given to the Board of Boiler Inspectors, District Boiler Inspectors, or the Chief Boiler Inspector, shall be hereafter made or given to the Industrial Commission. ('21 c. 83 § 6)

**4209. Inconsistent acts repealed**—All acts and parts of acts so far as inconsistent with the provisions of this act and not otherwise are hereby repealed. ('21 c. 83 § 7)

#### MINIMUM WAGES.

**4210. Duties of minimum wage commission transferred**—On and after the first day of June, 1921, the powers and duties then by law vested in and imposed upon the Minimum Wage Commission shall be exercised and performed by the Industrial Commission of Minnesota and its subordinates, as a part of the functions of the division of women and children in the Department of Labor and Industries. ('21 c. 84 § 1)

**4211. Secretary and employees transferred**—On the first day of June, 1921, persons then serving as secretary and employees of the Minimum Wage Commission, shall be transferred by the Industrial Commission to the division of women and children in the Department of Labor and Industries and assigned to such positions as the Industrial Commission shall designate. ('21 c. 84 § 2)

**4212. Minimum wage commission abolished**—On and after the first day of June, 1921, the Minimum Wage Commission, as heretofore constituted, shall

have no further legal existence, except that it shall, within ten days after such date, submit to the Governor a report covering the period extending to such date from the date of the last report of such Minimum Wage Commission. ('21 c. 84 § 3)

**4213. Inconsistent acts repealed**—All acts and parts of acts so far as inconsistent with the provisions of this act and not otherwise are hereby repealed. ('21 c. 84 § 4)

**4214. 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) [3905]

145-267, 177+343.

**4215. 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) [3906]

**4216. 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) [3907]

131-120, 154+752; 145-265, 177+343.

**4217. 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) [3908]

**4218. Wages, how determined—Order of commission—Copies to be mailed and posted**—The Industrial Commission of Minnesota 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.

Such order shall be published in one issue of a daily newspaper of general circulation published in each city of the first-class, at least 20 days before the same takes effect, and proof of such publication as required in the publication of legal notices, together with the original order shall be filed with the Commission. A copy of such order and of the proofs of publication, duly certified by the Secretary of said Commission, shall be prima facie evidence of the existence of such order and the contents thereof, and of the facts of publication as contained in such certified copies, and the certificate of the Secretary of said Commission shall be

prima facie evidence of the filing and of other acts required by law in relation to said order.

The Commission shall mail to each employer affected by said order, whose name and address is known to the Commission, a copy or copies of said order with such general or particular directions for posting the same as the Commission may determine, and such employer shall post such order or orders and keep the same posted in his factory or place where women or minors are employed, as required by said Commission. Provided, however, that failure to mail such orders to any employer affected thereby shall not relieve such employer from the duty to comply with such order in relation to the payment of a wage not less than the minimum prescribed in such order. ('13 c. 547 § 6, amended '23 c. 153 § 1) [3909]

Who deemed persons of ability determined by courts. 150-123, 184+787.

**4219. 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 either 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) [3910]

139-45, 165+495; 145-268, 177+343.

**4220. 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) [3911]

131-120, 154+752; 139-45, 165+498; 145-265, 177+343.

**4221. 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. 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) [3912]

**4222. 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) [3913]

**4223. 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) [3914]

**4224. 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) [3915]

Prohibits employing below a living wage. 139-37, 165+495; 145-268, 177+343.

**4225. 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) [3916]

**4226. 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) [3917]

**4227. 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) [3918]

**4228. 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) [3919]

**4229. 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) [3920]

**4230. 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) [3921]

**4231. 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) [3922]

**4232. 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) [3923]

#### INSPECTORS OF MINES

**4233. 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) [3924]

**4234. Inspector of mines—Salary—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 thirty-six hundred dollars per annum, and he shall in addition be allowed actual traveling expenses not to exceed nine 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 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; '21 c. 7 § 1) [3925]

**4235. 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 chutes of such mine where danger exists with some secure safeguard at the top of the shaft, open pit, cave or chute 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 ad-

joining county, for a period of three consecutive weeks. ('05 c. 166 § 3) [3926]

**4236. 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) [3927]

**4237. 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) [3928]

**4238. 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) [3929]

**4239. 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) [3930]

**4240. 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) [3931]

**4241. 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) [3932]

**4242. Removal of fence, guard, etc.—Penalty**—Any workman, employe 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, chute, 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) [3933]

**4243. Annual report of inspector of mines**—It shall be the duty of the inspector of mines appointed under this act to make and file no later than March 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 December 31st, 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. The preceding half year for which no report has been rendered, there shall be substituted a report for the entire year and submitted not later than May 1, 1923. ('05 c. 166 § 11, amended '23 c. 41 § 1; '23 c. 62 § 1) [3934]

County authorized to print inspectors' annual report. '19 c. 161.

**4244. 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) [3935]

**4245. 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) [3936]

EMPLOYMENT BUREAUS 211-NW 824

**4246. License—Fee—Bond**—No person, co-partnership 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 co-partnership, or when a corporation by its managing officer to the council of the city or village, wherein its principal place of business is located, or if outside a city or village, to the county board, and the applicant shall pay into the treasury of the city, village or county issuing the license a fee as herein provided, and such license shall be issued for one year from the date of issue.

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) [3937]

**4247. 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

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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) [3938]

4248. **Penalties**—Any person who shall violate any of the provisions or requirements set forth in sections 1825 or 1826 [4246, 4247] of said laws, as amended, shall be guilty of misdemeanor. (R. L. § 1827, amended '09 c. 424 § 1) [3939]

4249. **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 employe 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) [3820]

4250. **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 information, 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 here-

by declared public documents and shall not be destroyed within two years after their return or receipt by the department. ('13 c. 518 § 10) [3821]

4251. **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) [3822]

4252. **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) [3823]

4253. **Giving of information, etc., misdemeanors**—Any officer, agent or employe of the department who shall disclose the name of any persons 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, work shop, engineering work, store or other place enumerated in section 8 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, amended '17 c. 14 § 1) [3825]

4254. **State to co-operate with federal government and municipalities in conduct of labor bureaus**—The commissioner of labor is hereby authorized and empowered to co-operate with the federal government in the establishment and maintenance within the state of Minnesota, of one or more employment bureaus for the purpose of bringing together the man and the job. Said commissioner is also authorized and empowered to co-operate in a similar way, and for the same purpose with a municipality or municipalities, or with the federal government and any municipalities.

Such co-operative employment bureaus, when established, shall be under the joint management of the co-operating parties, and the cost and expense of establishing and of carrying on any such bureau, shall be borne by the co-operating parties, upon an equitable basis to be agreed upon between them. ('17 c. 113 § 1)

#### INJUNCTIONS AND RESTRAINING ORDERS

4255. **Labor organizations declared not unlawful**—It shall not be unlawful for working men and women to organize themselves into, or carry on labor unions for the purpose of lessening the hours of labor or increasing the wages or bettering the conditions of the members of such organizations, or carrying out their

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legitimate purposes as freely as they could do if acting singly. ('17 c. 493 § 1)

151-227, 186+785.

4256. When restraining order or injunction is not to be issued—No restraining order or injunction shall be granted by any court of this state, or any judge or judges thereof in any case between an employer and employes or between employer and employes or between employes or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney. ('17 c. 493 § 2)

4257. Not to be issued to prevent termination of employment—No restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment or from ceasing to perform any work or labor; or from recommending, advising or persuading others by peaceful means so to do; or from attending at any place where any person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any such person to abstain from working; or from ceasing to patronize any party to such dispute; or from recommending, advising or persuading others by peaceful and lawful means, so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by a single individual; or shall any of the acts specified in this section be considered

or held to be illegal or unlawful in any court of the state. ('17 c. 493 § 3)

4258. Labor declared not a commodity or article of commerce—The labor of a human being is not a commodity or article of commerce, and the right to enter into the relation of employer and employe, or to change that relation; or to assume and create a new relation for employer and employe; or to perform and carry on business with any person in any place; or to work and labor as an employe, shall be held and construed to be a personal, and not a property right. In all cases involving the violation of the contract of employment, either by the employe or employer where no irreparable damage is about to be committed upon the property or property right of either, no injunction shall be granted, but the parties shall be left to their remedy at law. ('17 c. 493 § 4)

4259. When no indictment is to be returned—No person shall be indicted, prosecuted or tried in any court of this state for entering into or carrying on any arrangement, agreement or combination between themselves made with a view of lessening the number of hours of labor or increasing wages or bettering the condition of working men, or for any act done in pursuance thereof, unless such act is in itself forbidden by law if done by a single individual. ('17 c. 493 § 5)

4260. Not to curtail the power of the executive department or of the courts under certain conditions—Nothing in this act shall hamper or curtail or in any manner take away the power of the executive department of government, or of the courts where there is threatened any irreparable injury to business or property by reason of violence, threats or other unlawful acts, or where criminal syndicalism, as hereinafter defined, or the acts constituting the same, are involved; and criminal syndicalism is hereby defined to be the doctrine which advocates crime, sabotage, violence or other unlawful methods of terrorism as a means of accomplishing industrial, social or political reform. ('17 c. 493 § 6)

CHAPTER 23A

WORKMEN'S COMPENSATION ACT

Part 1

COMPENSATION BY ACTION AT LAW—MODIFICATION OF REMEDIES

4261. Injury or death of employe—When personal injury or death is caused to an employe by accident arising out of and in the course of his employment, of which injury the actual or lawfully imputed negligence of the employer is the natural and proximate cause, he, or, in case of death, his personal representative, for the exclusive benefit of the surviving spouse and next of kin, shall receive compensation by way of damages therefor from his employer, provided the employe was himself not wilfully negligent at the time of receiving such injury; and the question of whether the employe was wilfully negligent shall be one of fact to be submitted to the jury, subject to the usual powers of the court over verdicts rendered contrary to the evidence, or to law. ('21 c. 82 § 1)

139-409, 166+772; 132-249, 156+120; 132-328, 156+669; 134-131, 158+797; 126-286, 148+71; 128-221, 150+623; 128-43, 150+211; 142-356, 172+215; 144-323, 175+610; 145-181,

176+749; 147-413, 180+552; 143-129, 173+405; 144-313, 175+694; 150-507, 185+948; 186+863, 186+860, 190+256; 140-216, 166+185; 140-399, 167+1039; 140-427, 168+130; 140-470, 168+555; 150-2, 188+265; 150-364, 188+286; 151-144, 189+429; 151-428, 860; 152-253, 186+860; 153-151, 189+931.

Injuries in course of employment. 129-176, 151+912; 129-502, 153+119; 138-131, 164+585; 138-210, 164+810; 138-250, 164+916; 140-470, 160+555; 138-326, 164+1012; 134-113, 158+913; 138-312, 164+1020; 141-61, 169+274; 141-166, 169+532; 137-435, 163+755; 144-259, 175+110; 149-1, 182+622; 149-429, 183+828; 150-1, 183+977; 150-521, 185+948; 145-286, 177+131; 147-366, 180+219; 153-225, 190+256; 151-258, 186+946; 152-512, 189+426; 153-479, 190+984; 153-150, 189+931.

4262. Certain defenses excluded—In all cases brought under part 1 of this act, it shall not be a defense (a) that the employe was negligent, unless and except it shall also appear that such negligence was wilful; (b) that the injury was caused by the negligence of a fellow employe; (c) that the employe has assumed the risks inherent in, or incidental to the work, or arising out of and in the course of his employment from the failure of the employer to provide and maintain safe premises and suitable appliances, which grounds of defense are hereby abolished except as provided in section 4. ('21 c. 82 § 2)

4261 Et seq. 174m 359, 176m 373, 179m 395, 181m 417, 182m 289, 219nw 392, 223nw 608, 229nw 340, 232nw 915, 236nw 322, 237nw 610, 238nw 692, 239nw 614, See 4290. 261 Et seq. 7-M 475, -M 370, -NW 55, -NW 37, -NW 241, -NW 539. 4261 6-M 251, 7-NW 185, 7-NW 193, 7-NW 621, -NW 636, -NW 645, -NW 64, -NW 1003, -NW 313, -NW 330, -NW 477, -NW 683. 61 Et seq. NW 813, NW 26, NW 635, NW 644, NW 887, NW 892, NW 898, NW 876.

4261 155-M 466, 157-M 457, 196-NW 566, 201-NW 305, 201-NW 313. 4261 Et seq. 204-NW 635, 204-NW 641. 4326J

4261 174m 156, 174m 491, 218nw 545, 219nw 869, 223nw 772, 224nw 459.