

GENERAL STATUTES

33

OF THE

STATE OF MINNESOTA,

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VOL. 1.

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BY

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SEC. 2113. **Ten hours for day's work if no express contract.**— In all engagements to labor in any mechanical or manufacturing business, a day's work, when the contract of labor is silent upon the subject, or when there is no express contract, shall consist of ten hours, and all agreements, contracts, or engagements, in reference to such labor, shall be so construed.

G. S. ch. 24, § 2.

SEC. 2114. **Ten hours only for children and women.**— In all manufacturing, workshops, and other places used for mechanical and manufacturing purposes in this state, where children under the age of eighteen years and women are employed, the time of labor of the persons aforesaid shall not exceed ten hours for each day; and any owner, stockholder or overseer, employer, clerk or foreman, who compels any woman or any child under eighteen years of years of age to labor in any day exceeding ten hours, or permits any child under the age of fourteen to labor in any factory, workshop or other place used for mechanical or manufacturing purposes, for more than ten hours in any one day, where such owner, stockholder, overseer, employer, clerk or foreman has control, such person so offending shall be liable to a prosecution in the name of the state of Minnesota, before any justice of the peace, or court of competent jurisdiction, of the county wherein the same occurs, and, upon conviction thereof, shall be fined in any sum not less than ten or more than one hundred dollars.

G. S. ch. 24, § 1.

CHILDREN.

SEC. 2115. **Certain employments for children under fourteen prohibited.**— Any person having the care, custody or control of any child under the age of fourteen (14) years, who shall exhibit, use or employ, for the purposes hereinafter named, or who shall in any manner or under any pretense, sell, apprentice, give away, or let out, or otherwise dispose of any such child, to any person, in or for the vocation, occupation, service or purpose of begging, or as a gymnast, contortionist, rider or acrobat, in any place whatsoever; or for or in any obscene, indecent, or immoral purpose, exhibition, or practice whatsoever; or for or in any business, exhibition or vocation injurious to the health or dangerous to the life or limb of such child; or who shall cause, procure, or encourage any such child to engage therein, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty (50) nor more than two hundred and fifty dollars (\$250), or by imprisonment in the state prison or county jail, for a term not exceeding two years, or by both such fine and imprisonment.

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Exception.— Nothing in this section contained shall apply to or affect the employment or use of any such child as a singer or musician in any church, school, or academy, or the teaching or learning the science or practice of music; nor the employment of any child as a musician at any concert or entertainment.

1879, ch. 75, § 1: "An act for the protection of children within the state of Minnesota." Approved February 18, 1879.

SEC. 2116. Same — Employer liable.— Every person who shall take, receive, hire, employ, use, exhibit, or have in custody, any child under the age, and for any of the purposes mentioned in the preceding section, shall be guilty of a like offence, and be punished by a like punishment as therein provided.

1879, ch. 75, § 2.

SEC. 2117. Commit child to charitable institution.— When, upon examination before any court or magistrate, it shall appear that any child within the age previously mentioned in this act, was engaged or used for or in any business or exhibition, or vocation, or purpose designated and as mentioned in this act; (and when, upon the conviction of any person having the custody of a child, of a criminal assault upon it,) the court or magistrate before whom such conviction is had, shall deem it desirable for the welfare of such child that the person so convicted should be deprived of its custody thereafter, such court or magistrate may commit such child to an orphan asylum, charitable or other institution, or make such other disposition thereof as now is or hereinafter may be provided by law, in cases of vagrant, truant, disorderly, pauper or destitute children.

1879, ch. 75, § 3.

SEC. 2118. Protection of such children.— Whoever shall wilfully cause or permit any child to suffer, or who shall inflict thereon unjustifiable physical pain or mental suffering; and whoever, having the care or custody of any child, shall wilfully cause or permit the life of such child to be endangered, or the health of such child to be injured; or who shall wilfully cause or permit such child to be placed in such a situation that its life may be endangered, or its health shall be likely to be injured, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten (10) nor more than one hundred dollars (\$100), and shall be committed to the county jail until such fine is paid, not exceeding ninety (90) days.

1879, ch. 75, § 4.

SEC. 2119. Fines, disposition of.— All fines, penalties and forfeitures imposed and collected in any county in this state, under the provisions of this and of every act passed relating to or affecting children, in every case where the prosecution was instituted or conducted by the Minnesota Society for the Prevention of Cruelty to Animals, or any of its branches, shall enure to such society, in aid of the purposes for which it was incorporated.

1879, ch. 75, § 5.

LOCOMOTIVE ENGINEERS AND FIREMEN.

SEC. 2120. Hours of labor limited.— On all lines of railroad operated in this state the time of labor of the locomotive engineers and firemen employed in running or operating the locomotive engines on or over such roads shall not at any time exceed eighteen (18) hours during one day; *provided, however,* that nothing in this section shall be construed as allowing any locomotive engineer or fireman to desert his locomotive in case of accident or other unavoidable delay.

1885, ch. 206, § 1: "An act to regulate the labor of locomotive engineers and firemen." Approved March 7, 1885.

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[SECS. 2121-2125.]

SEC. 2121. Liability of employers.— Any officer, director, superintendent, master mechanic, foreman, agent or employe who compels any locomotive engineer or fireman to labor, in running or operating any locomotive engine on or over such roads, for more than eighteen (18) hours during one day, except as provided in section one (1) of this act, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five (25) or more than one hundred (100) dollars.*

Liable for injuries.— And provided further, that all railroad corporations operating lines of road in this state, shall be liable for all injuries to its engineers or firemen resulting from their being obliged to labor for a longer period in any one (1) day than that specified in section one (1) of this act, and that nothing in this section shall be construed as allowing any locomotive engineer or fireman to desert his locomotive in case of accident or unwarrantable delay.

1885, ch. 206, § 2, as amended 1887, ch. 59. Amendment struck out "or in case of urgent necessity," and added matter after *.

PREFERENCE TO SOLDIERS AND SAILORS.

SEC. 2122. In public employment.— That in every public department, and upon all the public works of the state of Minnesota, and the counties, towns, cities and villages, thereof, honorably discharged Union soldiers and sailors, who are properly qualified, shall be preferred for appointment and employment. Age, loss of limb, or other physical impairment, which does not in fact incapacitate, shall not be deemed to disqualify them; *provided* they possess the other requisite qualifications for the proper discharge of the duties of the position sought.

1887, ch. 149: "An act giving preference in appointment and employment to honorably discharged Union soldiers and sailors." Approved February 26, 1887.

FEMALE EMPLOYEES.

SEC. 2123. Seats for.— It shall be the duty of all employers of females in any mercantile, manufacturing, hotel or restaurant, business or occupation, and of every agent in charge of any such business or occupation, to provide and maintain in the room or place where such females are being employed, suitable seats for the use of such female employes, and to permit the use of such seats by such employes to such an extent as may be necessary for the preservation of their health.

1889, ch. 10, § 1: "An act to compel employers of females to furnish seats for such employes and to prescribe penalties for violation thereof." Approved March 19, 1889. This section supersedes and contains acts 1887, ch. 175, approved March 7, 1887.

SEC. 2124. Penalty.— Every person who shall violate any of the provisions of this act, shall, for each and every day of such violation, be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not less than ten (10) dollars nor more than twenty-five (25) dollars, or by imprisonment for not less than ten (10) days nor more than thirty (30) days, or both, in the discretion of the court.

1889, ch. 10, § 3.

SEC. 2125. Physician's certificate — Duty of labor commissioner.— The certificate or testimony of any regularly licensed and practicing physician to the effect that in his opinion any person or corporation in this state, or any agent of such person or corporation is not complying with the provisions of section one (1) of this act in respect to any specified employe or employes, shall be *prima facie* evidence of the violation by such person, corporation or agent of the provisions of this act, and it shall be the duty of the state labor commissioner whenever he is informed of the violation of any of the provis-

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ions of this act, to cause the matter to be at once brought to the attention of the proper authorities and to assist in furnishing evidence of such violation; but nothing herein contained shall be construed to prevent any other person from making such complaint and furnishing such evidence nor to interfere with the discharge of their lawful duty by all state and county officers.

1889, ch. 10, § 2.

EMPLOYMENT BUREAU OR AGENCY.

SEC. 2126. To be licensed — Penalty.—No person shall engage in the business of keeping an employment bureau or office, or agency for the purpose of hiring men to work for others, and receive a compensation for such hiring, without first having obtained a license so to do, as hereinafter provided; and any person who shall engage in such business without such license shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding one hundred (100) dollars, or imprisonment in the county jail not exceeding ninety (90) days or both.

1885, ch. 205, § 1: "An act to regulate employment bureaus or offices." Approved February 28, 1885.

SEC. 2127. Application for — Fee — Bond.—Any person who desires to engage in said business may apply to the common council, if such business is to be carried on in a city, or to the village council if in a village, or to the county commissioners of the county in which such business is to be carried on, if in the country, for such license, and upon paying into the treasury of such city, village or county the sum of one hundred (100) dollars, and upon executing and delivering to such common council, village council or county commissioners, a bond in the penal sum of ten thousand (10,000) dollars, with sufficient sureties to be approved by such common or village council or county commissioners, he shall be entitled to such license.

1885, ch. 205, § 2.

SEC. 2128. Bond — Conditions — Filing — Business.—The bond shall run to the state of Minnesota, and shall be conditioned for the payment of any damage which any person secured or engaged to labor for others by the obligor may sustain by reason of any unauthorized act, fraud, or misrepresentation on the part of such agent, for such hiring. The bond shall be filed with the city clerk, if approved by the common council, with the village recorder if approved by a village council, and with the county auditor if approved by the board of county commissioners.

Business any part of state.—Any person licensed and having given bond as herein provided, may, while continuing to reside or maintain his office at the place mentioned in such license, prosecute his said business in any part of the state.

1885, ch. 205, § 3.

SEC. 2129. Action on bond.—Any person hired or engaged to work for others, by one so licensed as aforesaid, who shall fail to get employment according to the terms of such contract of hire or engagement by reason of any unauthorized act, fraud, or misrepresentation on the part of such agent, may bring an action upon said bond, and may recover in such action against the principal and sureties the full amount of his damages sustained by reason of such unauthorized act, fraud, or misrepresentation, together with his costs and disbursement in such action.

1885, ch. 205, § 4.

TOLL FOR GRINDING GRAIN.

SEC. 2130. By custom mills.—That it shall be unlawful for any custom mill doing business in this state to take a larger proportion than one-eighth ($\frac{1}{8}$) as toll for grinding and bolting any lot of wheat or other grain brought as

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a grist to such mill; *provided*, that nothing in this act shall be construed to compel mills to receive unmerchantable grain or to flour the same.

1885, ch. 212, § 1: "An act to regulate the amount of toll that may be taken by any custom mill in this state, for the grinding and bolting of wheat or other grain that may be brought to such mill for that purpose." Approved March 7, 1885.

SEC. 2131. **Penalties.**— That for the willful violation of the terms of this act by any miller, in any custom mill in this state it shall be the duty of any justice of the peace, within the county in which such mill is situated, upon complaint of the aggrieved party, to issue his warrant directed against such offending person, and upon the conviction of such person, he shall be fined not less than ten (10) dollars nor more than one hundred (100) dollars.

1885, ch. 212, § 2.