thickness, which was fed in at the front and taken from the back of the machine, was a "pressing machine from which material is taken from behind". Kowalski v. American C. Co. 160 W 341, 151 NW 805.

In an action under sec. 1728a, Stats. 1911, for an injury sustained by a minor, evidence that the machine was not dangerous was properly excluded. Green v. Appleton W. Mills, 162 W 145, 155 NW 958.

A minor properly licensed was employed and set at work he might lawfully do. His employer afterwards transferred him to work at a machine. After such transfer he was "employed in violation of law as to age" within the meaning of the language in an employers' liability insurance policy. The word "employed" covers a case of putting such a child to work at a machine; and directing him to work at such a place is an employment. American C. Co. v. Aetna Life Ins. Co. 164 W 266, 159 NW 917.

The employment by a farmer of a minor in pulling stumps with a machine was not prohibited by secs. 1728a-1728j, Stats. 1917. Squires v. Brown, 170 W 165, 174 NW 548.

A minor working on a drawbridge was neither "switch-tending" nor "gate-tending" nor working on a dock or wharf. Jeffery v. Kewaunee, G. B. & W. R. Co. 189 W 207, 207 NW 283.

Whether a gravel pit is a mine or quarry within the provisions of 103.69 (3) (m), prohibiting the employment of minors under 18 in or about a "mine or quarry," presents a question of law, necessitating a determination of the character or work included within the statutory language, but thereafter the question whether the work done in a particular case falls within the statute, as so construed, involves a determination of fact. Anderson v. Industrial Comm. 250 W 330, 27 NW (2d) 499.

103.70 History: Spl. S. 1937 c. 6; Stats. 1939 s. 103.70; 1943 c. 275 s. 40; 1969 c. 276 s. 584 (1) (a).

The term "any gainful occupation", as used in 103.05 (4), Stats. 1925, was construed in Aylward v. Industrial Comm. 202 W 171, 231 NW 599.

103.71 History: Spl. S. 1937 c. 6; Stats. 1939 s. 103.71; 1943 c. 350; 1947 c. 483; 1951 c. 341; 1955 c. 315; 1967 c. 182; 1969 c. 276 s. 584 (1) (a).

103.72 History: Spl. S. 1937 c. 6; Stats. 1939 s. 103.72; 1969 c. 276 s. 584 (1) (a).

103.73 History: Spl. S. 1937 c. 6; Stats. 1939 s. 103.73; 1967 c. 12; 1969 c. 276 s. 584 (1) (a).

103.74 History: Spl. S. 1937 c. 6; Stats. 1939 s. 103.74; 1957 c. 172; 1967 c. 182; 1969 c. 276 s. 584 (1) (a).

103.75 History: Spl. S. 1937 c. 6; Stats. 1939 s. 103.75; 1957 c. 172; 1969 c. 276 s. 584 (1) (a).

103.76 History: Spl. S. 1937 c. 6; Stats. 1939 s. 103.76.

103.77 History: Spl. S. 1937 c. 6; Stats. 1939 s. 103.77; 1943 c. 375 s. 40; 1969 c. 276 s. 584 (1) (a).

A minor employed by a stock breeders' association to clean stables after a cattle sale conducted by the association is engaged in an "agricultural pursuit" within the meaning of sec. 1728e (4), Stats. 1921. 10 Atty. Gen. 455.

Waiting on table in a boarding house used for boarding farm laborers only, located on the farm of a canning company, maintained by such a company, is not an agricultural pursuit. 12 Atty. Gen. 651.

Employment in a greenhouse is not an agricultural pursuit. 13 Atty. Gen. 336.

103.78 History: Spl. S. 1937 c. 6; Stats. 1939 s. 103.78; 1939 c. 524; 1949 c. 267; 1967 c. 236; 1969 c. 273.

103.79 History: Spl. S. 1937 c. 6; Stats. 1939 s. 103.79; 1943 c. 375 s. 41; 1969 c. 276 s. 584 (1) (a).

See note to sec. 1, art. I, on inherent rights, citing Wendlandt v. Industrial Comm. 256 W 62, 39 NW (2d) 854.

103.80 History: Spl. S. 1937 c. 6; Stats. 1939 s. 103.80; 1969 c. 276 s. 584 (1) (a).

103.805 History: 1943 c. 492; Stats. 1943 s. 103.805; 1969 c. 276 s. 584 (1) (a).

103.81 History: Spl. S. 1937 c. 6; Stats. 1939 s. 103.81.

103.82 History: Spl. S. 1937 c. 6; Stats. 1939 s. 103.82; 1969 c. 276 s. 584 (1) (a); 1969 c. 361.

103.85 History: 1919 c. 653; Stats. 1919 s. 4595f; 1925 c. 4; Stats. 1925 s. 351.50; 1927 c. 253; 1937 c. 21; 1943 c. 375 s. 95; 1955 c. 696 s. 297; Stats. 1955 s. 103.85; 1969 c. 276 s. 584 (1)(a); 1969 c. 484.

Sec. 4595f, Stats. 1919, does not apply to state or its political subdivisions, as employers. 8 Atty. Gen. 749.

A manufacturing plant, the principal product of which is linseed oil, but which also turns out as a by-product linseed meal, which is concentrated feed, is not a "flour" or "feed mill" within the meaning of the exception of sec. 4595f, Stats. 1921. That orders come "bunched up" does not create an "emergency." 11 Atty. Gen. 119.

351.50, Stats. 1929, applies to gasoline filling stations. 19 Atty. Gen. 360.

Employes in a stone quarry and those in a shipyard come within the scope of 351.50, and are entitled to 24 consecutive hours of rest in every 7 consecutive days. 19 Atty. Gen. 501.

A plant or establishment used for production of electricity for sale is not a "factory" within the meaning of 351.50, Stats. 1937. A power plant maintained as part of a factory where goods are manufactured is included in the terms of the statute. 27 Atty. Gen. 493.

103.86 History: 1961 c. 263; Stats. 1961 s. 103.86.

CHAPTER 104.

Minimum Wage Law.

104.01 History: 1913 c. 712; Stats. 1913 s. 1729s—1; 1923 c. 291 s. 3; Stats. 1923 s. 104.01; 1937 c. 333; 1967 c. 343; 1969 c. 151.

On exercises of police power see notes to

sec. 1, art. I; and on delegation of power see notes to sec. 1, art. IV.

The minimum wage law does not apply to the state or its political subdivisions as employers. 8 Atty. Gen. 747.

104.02 History: 1913 c. 712; Stats. 1913 s. 1729s—2; 1923 c. 291 s. 3; Stats. 1923 s. 104.02; 1925 c. 176 s. 2; 1937 c. 333.

104.03 History: 1913 c. 712; Stats. 1913 s. 1729s—3; 1923 c. 291 s. 3; Stats. 1923 s. 104.03; 1925 c. 176 s. 2; 1937 c. 333.

104.04 History: 1913 c. 712; Stats. 1913 s. 1729s—4; 1923 c. 291 s. 3; Stats. 1923 s. 104.04; 1937 c. 333; 1943 c. 375 s. 42; 1969 c. 276 s. 584 (1) (a), (c).

A rule of the industrial commission that tips may not be counted as part of the minimum wage may not be invoked where the agreement was that tips could be retained by the employe and where these tips plus the wage paid exceeded the minimum. Sheaffer v. Industrial Comm. 29 W (2d) 292, 139 NW (2d) 106, 140 NW (2d) 300.

An employer may not be required to post a notice of the disposition of tips. 55 Atty. Gen. 120.

104.05 History: 1913 c. 712; Stats. 1913 s. 1729s—5; 1923 c. 291 s. 3; Stats. 1923 s. 104.05; 1937 c. 333; 1969 c. 276 s. 584 (1) (a).

104.06 History: 1913 c. 712; Stats. 1913 s. 1729s—6; 1923 c. 291 s. 3; Stats. 1923 s. 104.06; 1925 c. 176 s. 2; 1937 c. 333; 1969 c. 276 s. 584 (1) (a); 1969 c. 392 s. 87 (1).

104.07 History: 1913 c. 712; Stats. 1913 s. 1729s—7; 1923 c. 291 s. 3; Stats. 1923 s. 104.07; 1925 c. 176 s. 2; 1937 c. 333; 1969 c. 151; 1969 c. 276 s. 584 (1) (a).

104.08 History: 1913 c. 712; Stats. 1913 s. 1729s—8; 1919 c. 679 s. 78; 1923 c. 291 s. 3; 1923 c. 409; 1923 c. 449 s. 54; Stats. 1923 s. 104.08; 1943 c. 160; 1953 c. 540; 1969 c. 276 s. 584 (1) (a).

104.09 History: 1913 c. 712; Stats. 1913 s. 1729s—9; 1923 c. 291 s. 3; Stats. 1923 s. 104.09; 1965 c. 210; 1969 c. 151; 1969 c. 276 s. 584 (1) (a).

104.10 History: 1913 c. 712; Stats. 1913 s. 1729s—10; 1923 c. 291 s. 3; Stats. 1923 s. 104.10; 1953 c. 540 s. 29.

104.11 History: 1913 c. 712; Stats. 1913 s. 1729s—11; 1923 c. 291 s. 3; Stats. 1923 s. 104.11.

104.12 History: 1913 c. 712; Stats. 1913 s. 1729s—12; 1923 c. 291 s. 3; Stats. 1923 s. 104.12; 1969 c. 276 s. 584 (1) (a).

CHAPTER 105.

Employment Agents.

105.01 History: 1899 c. 213 s. 1; Supl. 1906 s. 1636—9; 1913 c. 663; Stats. 1913 s. 2394—82; 1923 c. 142; 1923 c. 291 s. 3; Stats. 1923 s. 105.01; 1969 c. 444.

Editor's Note: In connection with the amendment effected by ch. 444, Laws 1969, see the opinion of the attorney general published in 55 Atty. Gen. 217.

On exercises of police power see notes to sec. 1, art. I; and on delegation of power see notes to sec. 1, art. IV.

If the defendant acted as an employment agent for profit, or received any compensation for services as employment agent without a license, he violated the law. Secs. 2394-70, 2394-82 and 2394-86, Stats. 1919, do not prohibit employment agencies, but merely provide for their regulation. State v. Howard W. Russell, Inc. 181 W 76, 194 NW 43.

Teachers' agencies are employment agencies. 5 Atty. Gen. 272.

105.02 History: 1899 c. 213 s. 4; Supl. 1906 s. 1636—12; 1913 c. 663; Stats. 1913 s. 2394—83; 1923 c. 291 s. 3; Stats. 1923 s. 105.02; 1969 c. 444.

105.03 History: 1913 c. 663; Stats. 1913 s. 2394—84; 1923 c. 291 s. 3; Stats. 1923 s. 105.03.

105.04 History: 1913 c. 663; Stats. 1913 s. 2394—85; 1923 c. 291 s. 3; Stats. 1923 s. 105.04.

105.05 History: 1899 c. 213 s. 1; Supl. 1906 s. 1636—9; 1913 c. 663; Stats. 1913 s. 2394—86; 1923 c. 291 s. 3; Stats. 1923 s. 105.05; 1947 c. 401; 1969 c. 276 s. 584 (1) (b); 1969 c. 444.

The state is not bound by a colorable arrangement for gratuitous service if the service was, in fact, for compensation. State v. Howard W. Russell, Inc. 181 W 76, 194 NW 43.

A separate license must be secured for a branch office of an employment agency. 9 Atty. Gen. 566.

105.06 History: 1899 c. 213 s. 2, 3; Supl. 1906 s. 1636—10, 1636—11; 1913 c. 663; Stats. 1913 s. 2394—87; 1923 c. 291 s. 3; Stats. 1923 s. 105.06; 1969 c. 276 s. 584 (1) (a); 1969 c. 444.

105.07 History: 1899 c. 213 s. 2; Supl. 1906 s. 1636—10; 1913 c. 663; Stats. 1913 s. 2394—88; 1923 c. 291 s. 3; Stats. 1923 s. 105.07; 1925 c. 400; 1969 c. 276 s. 584 (1) (a); 1969 c. 444.

105.08 History: 1913 c. 663; Stats. 1913 s. 2394—89; 1923 c. 291 s. 3; Stats. 1923 s. 105.08; 1969 c. 276 s. 584 (1) (a).

105.09 History: 1913 c. 663; Stats. 1913 s. 2394—90; 1923 c. 291 s. 3; Stats. 1923 s. 105.09; 1969 c. 276.

105.10 History: 1913 c. 663; Stats. 1913 s. 2394—91; 1923 c. 291 s. 3; Stats. 1923 s. 105.10; 1969 c. 276 s. 584 (1) (a).

105.11 History: 1913 c. 663; Stats. 1913 s. 2394—92; 1919 c. 178; 1923 c. 291 s. 3; Stats. 1923 s. 105.11; 1969 c. 276 s. 584 (1) (a), (c).

105.12 History: 1969 c. 444; Stats. 1969 s. 105.12.

105.13 History: 1913 c. 663; Stats. 1913 s. 2394—93; 1919 c. 178; 1923 c. 291 s. 3; Stats. 1923 s. 105.13; 1969 c. 276.

Under 105.13, Stats. 1953, an applicant for a license is not required to show a dissatisfaction by the public with the employment-agency service presently available. Graebner v. Industrial Comm. 269 W 252, 68 NW (2d) 714.