

or warrant of the dean of the college of agriculture and upon approval of the governor, be expended for the purpose of operating, maintaining and replacing, when necessary, the stump-pulling machines herein provided for.

(Am. 1911, ch. 664, s. 96.)

Section 392em—7. For the purpose of carrying out the provisions of this act there is appropriated out of any money in the treasury, not otherwise appropriated, the sum of ten thousand dollars, and any unexpended balance shall be paid over to the treasurer of the board of regents to be placed in the "experimental improvement fund" hereby created.

(Am. 1911, ch. 664, s. 96.)

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 28, 1911.

No. 851, A.]

[Published June 30, 1911.

CHAPTER 479.

AN ACT to amend subsections 1, 2, 3 and 4, of section 1728a, sections 1728a—1, 1728a—2, 1728b, 1728c, 1728d, 1728e, 1728f, 1728g, 1728h and 1728i; to repeal subdivisions 5 and 6, of section 1728a, and to create sections 1728a—3, 1728a—4, 1728a—5 and 1728a—6 of the statutes, relating to child labor.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections 1, 2, 3 and 4, of section 1728a, sections 1728a—1, 1728a—2, 1728b, 1728c, 1728d, 1728e, 1728f, 1728g, 1728h and 1728i, of the statutes, are amended to read: Section 1728a. 1. No child between the ages of fourteen and sixteen years shall be employed, *required, suffered or permitted to work* at any time in any factory or workshop, * * * store, hotel, *restaurant, bakery*, mercantile establishment, laundry, telegraph, telephone or public messenger service, *or the delivery of any merchandise* or at any gainful occupation, *or employment*, directly or indirectly, unless there is first obtained from the commissioner of labor, state factory inspector *or any assistant factory inspector* or from the judge of the county court or municipal court or from the judge of a juvenile court where such child resides, a written permit * * * authorizing the employment of such child within such time or times as the said commissioner of labor, state factory inspector, any assistant factory inspector, county judge, municipal judge, or judge of a juvenile court may fix; providing, *that such times shall not conflict with those designated in subsection 1, of section 1728c, and*

that no officer herein mentioned shall have power to delegate the duty of granting permits to any subordinate officer or other person * * *.

2. No child under the age of sixteen years shall be employed, *required, suffered or permitted to work at* * * * adjusting any belt or in oiling or assisting in oiling, wiping or cleaning any machinery when the same is in motion or in operating or assisting in operating *or taking material from* any circular or band saw, *or any cross-cut saw or slasher or other cutting or pressing machine, from which material is taken from behind,* wood-shaper, wood-jointer, planer, sandpaper or wood-polishing machine, picker machine, *carding machine* or machines used in picking wool, cotton, hair or any upholstering material, *cylinder or job presses,* * * * dough brakes or cracker machinery of any description, laundry machinery, emery or polishing wheel for polishing metal or wood turning machine or stamping machine in sheet metal and tinware manufacturing, *or boring or drill presses* or stamping machine in washer and nut factory, stamping machine in lace, paper and leather manufacturing, corrugating rolls in roofing *or washboard* factories, hurpishing machines in any tannery or leather manufactory, wire or iron straightening machinery, rolling mill machinery, punchers or shears or washing, grinding or mixing mill of calender rolls in rubber manufacturing, nor shall any such child be employed at or assist in sewing belts in any capacity, or in the manufacture of paints, colors or white lead, or in the manufacture of any composition in which dangerous or poisonous acids are used, *or occupation causing dust, in injurious quantities, or in the manufacture or preparing of compositions of dangerous or poisonous dyes, or in the manufacture or preparing of compositions with dangerous or poisonous gases, or in the manufacture or preparation of compositions of lye, or in which the quantity thereof is injurious to health, or on scaffolding or on a ladder or in heavy work in the building trades,* or in the manufacture of any goods for immoral purposes, nor in any tobacco warehouse, cigar or other factory where tobacco is manufactured or prepared * * * *or as pin boys in bowling alleys,* or in any theater or concert hall, or in operating any * * * steam boiler or steam generating apparatus, or in any other employment dangerous to life or limb, injurious to the health or depraving * * * to the morals of such child: nor shall any female child under sixteen years of age be employed in any capacity where such employment compels her to remain standing constantly.

3. No child under the age of fourteen years shall be employed, *required, suffered or permitted to work at any time* in any fac-

tory, manufacturing establishment or workshop, * * * store, hotel, restaurant or bakery, mercantile establishment, laundry, telegraph, telephone or public messenger service, delivery or merchandise or at any gainful occupation or employment, directly or indirectly, except as provided in this section.

4. No child under the age of fourteen years shall be employed, required, permitted or suffered to work * * * at any gainful occupation or employment at any time except that during the vacation of the public or * * * equivalent school in the town, district or city where any child between the ages of twelve and fourteen years resides, it may be employed in any store, office, * * * mercantile establishment, warehouse, telegraph, telephone or public messenger service in the town, district or city where it resides and not elsewhere; provided, that * * * it shall have first obtained a permit in the same manner and under the same conditions set forth for employment during the regular session of the school, except that for such vacation permit no proof of educational qualification shall be necessary.

Section 1728a—1. No child under * * * sixteen years of age shall be employed, required, suffered or permitted to play on any musical instrument, or to sing or perform in a circus, theatrical or musical exhibition, concert or festival, or in any public place, * * * unless there is first obtained from the commissioner of labor, state factory inspector, * * * or assistant factory inspector, county judge, municipal judge or the judge of a juvenile court where the child resides, if such child is a resident of this state, and by a county judge, municipal judge, or judge of a juvenile court of this state if such child is not a resident of the state, a written permit authorizing the appearance of such child at such places, at times as the said commissioner of labor, state factory inspector or any assistant factory inspector, county judge, municipal judge or judge of a juvenile court may fix; provided, that it appears to the satisfaction of such commissioner of labor, state factory inspector or any assistant factory inspector, county judge, municipal judge or judge of a juvenile court, that the appearance of such child shall not be detrimental to its morals, health, safety, welfare or opportunities for education equivalent to that of the common schools; provided, also, that a child under fourteen years of age shall be accompanied by a parent or guardian, approved by the said commissioner of labor, state factory inspector or any assistant factory inspector, county judge, municipal judge or judge of a juvenile court. But the provisions of this section shall not prevent the education of children in music or their employment as musicians, or participants, in a church, chapel, school or school exhibition * * *

or any home talent exhibition given by people of the local community.

Section 1728a—2. * * * No child under sixteen years of age shall be employed, permitted or suffered to work in or about any store, brewery, distillery, bottling establishment, hotel, bar room, saloon, saloon dining room or restaurant, or any place in connection with a saloon or similar place of any name, or in or about any dance hall, bowling alley, pool room, beer garden or similar place of any name in which strong, spirituous or malt liquors are made, bottled, sold or given away.

Section 1728b. 1. * * * Every person, firm or corporation, agent or manager of any firm or corporation employing minors in any * * * factory or workshop, * * * store, office, hotel, restaurant, bakery, mercantile establishment, laundry, telegraph, telephone or public messenger service within this state * * * shall keep a register in the place where such minor is employed, and subject at all times to the inspection of any factory inspector, or assistant factory inspector, or truant officer, in which register shall be recorded the name, age, date of birth and place of residence, of every child employed, permitted or suffered to work therein, under the age of sixteen years.

2. * * * No person, firm or corporation, agent or manager of any firm or corporation * * * shall hire or employ, permit or suffer to work in any * * * mercantile establishment, factory or workshop, * * * store, office, hotel, restaurant, bakery, laundry, telegraph, telephone or public messenger service, any child under sixteen years of age, unless there is first provided and placed on file in such * * * mercantile establishment, factory, workshop, * * * store, office, hotel, restaurant, bakery, laundry, telegraph, telephone or public messenger service office, a permit granted by * * * the commissioner * * * of labor, state factory inspector, or any assistant factory inspector, or county judge, municipal judge or judge of a juvenile court of the county where such child resides.

Section 1728c. * * * 1. No child under the age of sixteen years, shall be employed, required, permitted or suffered to work at any gainful occupation for more than forty-eight hours in any one week, nor more than eight hours in any one day, or before the hour of seven o'clock in the morning, or after the hour of six o'clock in the evening, nor more than six days in any one week. A lunch period of not less than thirty minutes shall be allowed during each day. Provided, nothing in this act shall be construed to interfere with the employment of children as provided in sections 1728a—1 and 1728u of the statutes.

2. *Each employer shall post in a conspicuous place in each of the several departments in or for which minors are employed, a list on a printed form furnished by the bureau of labor and industrial statistics or factory inspection department, stating the names, ages and the hours required of each child during each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or other meals begin and end.*

Section 1728d. 1. It shall be the duty of the commissioner of labor, the factory inspector * * * and every assistant factory inspector * * * to enforce all the provisions of the statutes regulating or relative to child labor, and to prosecute violations of the same before any justice of the peace or other court of competent jurisdiction in this state. It shall be the duty of the said commissioner of labor * * * and every factory inspector * * * and assistant factory inspector * * * and truant officers, and they are hereby authorized and empowered to visit and inspect, at all reasonable times, and as often as possible, all places covered by this act. The factory inspector and assistant factory inspector shall have the power of truant officers to enforce all legal requirements relating to school attendance.

(Am. 1911, c. 664, s. 125.)

2. *The justices of the peace in the various counties of the state of Wisconsin shall have criminal jurisdiction of actions brought for violations of all statutes regulating or relative to child labor, notwithstanding any statute depriving such justices of the peace in any county of such jurisdiction. Nothing contained herein, however, shall deprive the municipal courts and other courts of record of concurrent jurisdiction, nor shall anything contained herein be construed to give justices of the peace in cities of the first class jurisdiction of such actions.*

Section 1728e. 1. The commissioner of labor, the factory inspector or assistant factory inspectors, or county judge, municipal judge or judge of a juvenile court, may refuse to grant permits in the case of children who may seem physically unable to perform the labor at which they may be employed.

2. *All permits provided for under this act shall be issued upon blanks furnished by the commissioner of labor and shall be made out in duplicate. One of such duplicates shall be forthwith returned to the commissioner of labor, together with a detailed statement of the character and substance of the evidence offered prior to the issue of such permit. Such statement so forwarded shall be upon blanks furnished by the commissioner of labor, and shall contain such details as to such evidence, and shall fully reveal its character and substance as indicated in such blank.*

(Am. 1911, c. 664, s. 125.)

3. Whenever it shall appear to the commissioner of labor that any permit has been improperly or illegally issued, or that the physical or moral welfare of such child would be best served by the revocation of the permit he may forthwith, without notice, revoke the same, and shall by registered mail notify the person employing such child and the child holding such permit of such revocation.

4. Nothing in this act contained shall be construed to forbid any child from being employed in agricultural pursuits, nor to require a permit to be obtained for such child.

(Am. 1911, c. 664, s. 125.)

Section 1728f. * * * 1. No child under the age of eighteen years shall be employed in or about any blast furnaces, docks, wharves, in the outside erection and repair of electric wires; in the running or management of elevators, lifts or hoisting machines; in oiling or cleaning hazardous or dangerous machinery in motion; switch tending, gate tending or track repairing; as brakeman, fireman, engineer, motorman, conductor, telegraph operator, upon railroads; as pilot, fireman or engineer upon boats and vessels engaged in the transportation of passengers or merchandise; in or about establishments where nitroglycerine, dynamite, dualin, guncotton, gunpowder or other high or dangerous explosive is manufactured, compounded or stored; or in dipping, dyeing or packing matches; or in any factory in operating or using any emery, tripoli, rouge, corundum, stone carborundum or any abrasive or emery polishing or buffing wheel, where articles of the baser materials or of iridium are manufactured.

2. No minor under the age of eighteen, nor any female, shall be employed in or about any mine or quarry.

Section 1728g. The words "manufacturing establishment," the word "factory" or the word "workshop," as used in this act, shall each be construed to mean any place where goods or products are manufactured or repaired, dyed, cleaned or assorted, stored or packed, in whole or in part, for sale, * * * for wages, or directly or indirectly, for gain or profit.

(Am. 1911, c. 664, s. 125.)

Section 1728h. 1. Any person, firm or corporation, agent or manager of any firm or corporation who, whether for himself or for such firm or corporation, or by himself or through agents, servants or foreman * * * violates or fails to comply with any of the provisions of * * * sections 1728a, 1728b, 1728c, 1728d, 1728e, 1728f, 1728g, 1728h, 1728i, 1728a-1, 1728a-2, 1728a-3, 1728a-4, 1728a-5 or 1728a-6, or * * * hinders or delays the commissioner of labor, the factory inspector or assistant factory inspectors, or truant officers, or any or either of them, in the performance of their * * * duties.

or refuses to admit * * * or locks * * * out any such officer from any place required to be inspected by * * * said sections, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense, or * * * imprisoned in the county jail not longer than thirty days.

2. Any corporation which, by its agents, officers or servants * * * violates or fails to comply with any of the provisions of this act shall be liable to the above penalties, which may be recovered against such corporations in action for debt or assumpsit brought before any justice of the peace or other court of competent jurisdiction.

(Am. 1911. c. 664, s. 125.)

3. Any person, being the owner or lessee of any opera house, theatre or moving picture house, or any similar place of any name, or having in whole or in part, the management or control thereof, shall be responsible for any violation of this act on the premises, of such opera house, theatre or moving picture house or similar place of any name.

(Am. 1911. c. 664, s. 125.)

4. Any person, firm or corporation, agent or manager of any corporation who, whether for himself or for such firm or corporation, or by himself or through agents, servants or foreman fails to return the employment permit of any child in violation of section 1728a—6, shall be liable in action to such child whose permit is not returned, for two dollars for each day during which such failure continues.

5. The failure of any person, firm or corporation, agent or manager of any firm or corporation, to produce for inspection to the commissioner of labor, factory inspector or any assistant factory inspector, truant officers, the employment permit hereinbefore described, shall be prima facie evidence of illegal employment of minor before any justice of the peace or other court of competent jurisdiction. The presence of any minor in any factory, workshop, place of employment or in or about any mine, or the presence of any minor at any time other than those on the posted hours of labor, as hereinbefore provided, or in any establishment employed at any work listed as dangerous or forbidden employments, shall be prima facie evidence of the employment of such child.

Section 1728i. Any parent or guardian, who suffers or permits a child to be employed, at any gainful occupation, directly or indirectly, or suffered or permitted to work in violation of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than twenty-five

dollars, or by imprisonment in the county jail *for* not longer than thirty days.

(Am. 1911, c. 664, s. 125.)

SECTION 2. There are added to the statutes four new sections to read: Section 1728a—3. 1. The permit required by section 1728a of the statutes shall state the name, the date and place of birth of the child, and describe the color of hair and eyes, the height and weight, and any distinguishing facial marks of such child, and that the papers required in subsection 2 hereof have been duly examined, approved and filed.

2. The following evidence, records and papers shall be filed before such permit is issued:

(1) Evidence showing that such child is fourteen years of age in one of the following forms:

(a) A duly attested transcript of the birth certificate, filed as prescribed by law with the register of vital statistics, or other officer charged with the duty of recording births.

(b) A certificate of a person in charge of a public school in the state or elsewhere, having a course of not less than eight years, or of a school in the state other than a public school, having a substantially equivalent course of study of not less than eight years' duration, in which school a record of the attendance of such child has been kept, showing that such child is a graduate of such school, and that according to the records kept in such school, such child is at least fourteen years of age; or

(c) A passport or a duly attested transcript of a certificate of baptism, showing the date and place of baptism of such child.

(d) If such proof does not exist or cannot be secured as provided in subdivisions (a), (b) or (c), of subdivision (1) hereof, then such proof as may be satisfactory to the official issuing such permit may be filed in lieu thereof.

(2) A certificate of the superintendent of schools or the principal of the school last attended by the child, or in the absence of both of the afore-mentioned persons, a certificate of the clerk of the school board, showing that such child is more than fourteen years of age, and stating also the date of the birth of such child, and the number of years it has attended school. Such certificate shall contain the further statement that such child has attended the public school, or some other school having a substantially equivalent course, as required by law, within the twelve months next preceding the date of such certificate, or next preceding the fourteenth birthday of such child; that such child is able to read and write simple sentences in the English language, and is familiar with the fundamental operations in arithmetic up to and including fractions, and that it has received during such one-year period, instruction in spelling, reading,

writing, English grammar and geography; or in lieu of such statement relative to its educational attainments, that such child has passed successfully the fifth grade in the public school, or in some school having a substantially equivalent course, or that it has attended school for at least seven years. It shall be the duty of such superintendent, principal or clerk to issue certificate upon receipt of any application in behalf of any child entitled thereto.

(3) A letter written on such regular letter head or other business paper used by the person, stating the intention of such person, firm or corporation to employ such child, and signed by such person, firm or corporation, or by some one duly authorized by them.

Section 1728a—4. 1. For the purposes of this act the commissioner of labor, factory inspector, any assistant factory inspector, truant officer, any police officer or any private citizen may make complaint of the violation of any provisions of this act.

(Am. 1911, c. 664, s. 105.)

2. When complaint is made by truant officer, police officer or any private citizen to the commissioner of labor, state factory inspector or any assistant factory inspector, the commissioner of labor shall investigate or cause to be investigated such complaint, and if pursuant to any such investigation, a violation of any of the provisions of this act shall be found, the commissioner of labor shall prosecute or cause to be prosecuted any such violation.

Section 1728a—5. In cities of the first, second or third class no person under the age of twenty-one years shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission or delivery of messages or goods before six o'clock in the morning and after eight o'clock in the evening of any day.

Section 1728a—6. 1. Every person, firm or corporation, agent or manager of any firm or corporation, employing minors in any factory or workshop, store, office, hotel, mercantile establishment, laundry, telegraph, telephone or public messenger service within this state, in addition to filing the certificate of intention to employ with the commissioner of labor, state factory inspector or any assistant factory inspector, shall file with the officer signing such permit, a statement of actual employment of such minor, the date of employment, and that the necessary permit has been duly received and filed, shall keep said permits on file in the same place where such minor is employed, and subject at all times to the inspection of the commissioner of labor, state factory inspector or assistant factory inspector, and shall post a list of said employes with said information at or near the principal

entrance to the factory, or other building where such children are employed. It is further provided that upon the termination of employment of any minor, said employer shall return within twenty-four hours the permit for employment of such minor to the person and place, designated by the commissioner of labor, with a statement of reasons for the termination of said employment.

2. Every person, firm or corporation, desiring to become the employer of children under the age of eighteen years, shall file with the commissioner of labor a statement of this fact, in order that a special inspection of his factory, workshop, bowling alley, store, hotel or mercantile establishment, restaurant, bakery, laundry, telegraph, telephone or public messenger service may be made or caused to be made by the commissioner of labor.

SECTION 3. Subdivisions 5 and 6, of section 1728a, of the statutes, are repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 28, 1911.

No. 223, S.]

[Published June 30, 1911.

CHAPTER 480.

AN ACT to create section 2591n of the statutes, relating to settlement of cases brought to recover damages for personal injury.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is added to the statutes a new section to read: Section 2591n. No settlement or adjustment of any action which shall have been commenced to recover damages for any personal injury or for the death as a result of any personal injury in which an attorney shall have appeared for the person or persons having or claiming a right of action for such injury or death shall be valid, unless consented to in writing by such attorney or by an order of the court in which said action is brought approving of such settlement or adjustment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 28, 1911.