

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.

The industrial commission could not deny a license to an applicant proposing to offer a testing and counseling service in the absence of a finding that others were offering such services or that the area did not need such services. *Harding v. Industrial Comm.* 12 W (2d) 274, 107 NW (2d) 273.

The legislature intended that competent and well-regulated agencies which would add to the quality and quantity of employment services so as to supply a need sought by employers or employes should be granted an employment agency license. The fact that services available in the community might to some degree overlap with those proposed by the petitioner would not negate the inference that the quality and quantity of the services to be performed will be beneficial to employers and employes. *Silverberg v. Industrial Comm.* 24 W (2d) 144, 128 NW (2d) 674.

**105.14 History:** 1913 c. 663; Stats. 1913 s. 2394—94; 1919 c. 178; 1923 c. 291 s. 3; Stats. 1923 s. 105.14; 1969 c. 276 s. 584 (1) (a).

**105.15 History:** 1913 c. 663; Stats. 1913 s. 2394—95; 1923 c. 291 s. 3; Stats. 1923 s. 105.15; 1943 c. 375 s. 43; 1969 c. 276 s. 584 (1) (c).

**105.16 History:** 1919 c. 160; Stats. 1919 s. 2394—96; 1923 c. 291 s. 3; Stats. 1923 s. 105.16; 1945 c. 33; 1969 c. 276 s. 584 (1) (a).

## CHAPTER 106.

### Master and Apprentice.

**106.01 History:** 1911 c. 347; Stats. 1911 s. 2377 to 2387; 1915 c. 133; Stats. 1915 s. 2377; 1919 c. 221; 1923 c. 291 s. 3; 1923 c. 314; 1923 c. 449 s. 40; Stats. 1923 s. 106.01; 1937 c. 274; 1943 c. 159; 1943 c. 375 s. 44; 1955 c. 10; 1959 c. 276; 1967 c. 276; 1969 c. 276 s. 584 (1) (a), (b), (c), (2) (b); 1969 c. 306, 392.

The imposition of a money penalty for violation of the indenture of apprenticeship is valid and is enforceable against the parent of the apprentice as well as the apprentice. 11 Atty. Gen. 854.

As to residence of apprentice for vocational school purposes see note to 38.19, citing 31 Atty. Gen. 155.

The industrial commission may not issue a special order requiring that all apprentices in a given trade be indentured exclusively to a joint committee organized in that trade and by such order exclude indentures between apprentices and individual employers. The industrial commission may not delegate authority to approve or disapprove an indenture or to suspend or cancel indenture to a joint committee organized in the trade. 34 Atty. Gen. 257.

**106.02 History:** 1943 c. 154; Stats. 1943 s. 106.02; 1969 c. 276 s. 584 (1) (a).

**106.03 History:** 1959 c. 364; Stats. 1959 s. 106.03; 1969 c. 336 s. 176.

## CHAPTER 107.

### Mining and Smelting.

**107.01 History:** 1860 c. 260 s. 1 to 3, 6;

1872 c. 117 s. 1, 2; R. S. 1878 s. 1647; Stats. 1898 s. 1647; 1923 c. 291 s. 3; Stats. 1923 s. 107.01.

A written agreement or conveyance of the right to dig for ore in a certain range is construed as a license and not as granting an interest in the land, so that, though it would be irrevocable if diligently prosecuted, it would give the licensee no interest whatever in ore not severed or dug by him, nor could he maintain replevin therefor. *Gillett v. Treganza*, 6 W 343.

The statutes governing the rights of miners apply only when there is no contract. A lease of an exclusive right to mine upon a certain range upon the lessor's land conveys a right to follow it to the limits of said land, but does not convey the exclusive right to work a vein on another portion of said tract, between which and the former no connection exists within the said tract. *Sobey v. Thomas*, 39 W 317.

A conveyance of lands for mining by government subdivisions, "and known as the H. range," does not grant the right to follow such range into other lands of the grantor, not described, into which such range is afterwards found to extend. *Ross v. Heathcock*, 52 W 557, 9 NW 609.

A license to mine upon lands given by one tenant in common will not bind the other tenants. A license to mine upon lands is irrevocable after a valuable discovery or prospect has been struck by the licensee, though actual entry has not been made under the license. *Tipping v. Robbins*, 64 W 546, 25 NW 713. See also *Tipping v. Robbins*, 71 W 507, 37 NW 427.

The facts did not show a new discovery such as conferred rights outside of the original lease. *Raisbeck v. Anthony*, 73 W 572, 41 NW 72.

The right to mine under a revocable license is not an interest in real estate to which the lien of a judgment will attach. *Blindert v. Kreiser*, 81 W 174, 51 NW 324.

The words "crevice or range" are used in the same significance and mean a mineral bearing vein. *St. Anthony M. Co. v. Shaffra*, 138 W 507, 120 NW 238.

**107.02 History:** 1905 c. 236 s. 1; Supl. 1906 s. 1647a; 1923 c. 291 s. 3; Stats. 1923 s. 107.02.

**107.03 History:** 1860 c. 260 s. 4; 1872 c. 117 s. 3; R. S. 1878 s. 1648; Stats. 1898 s. 1648; 1923 c. 291 s. 3; Stats. 1923 s. 107.03.

**107.04 History:** 1860 c. 260 s. 5; 1872 c. 117 s. 4; R. S. 1878 s. 1649; Stats. 1898 s. 1649; 1923 c. 291 s. 3; Stats. 1923 s. 107.04; 1967 c. 276.

**107.05 History:** 1860 c. 359 s. 1; R. S. 1878 s. 1650; Stats. 1898 s. 1650; 1923 c. 291 s. 3; Stats. 1923 s. 107.05; 1959 c. 238, 664; 1965 c. 252; 1965 c. 614 s. 57 (2g); 1969 c. 276 s. 588 (6).

**107.06 History:** 1860 c. 359 s. 2; R. S. 1878 s. 1651; Stats. 1898 s. 1651; 1923 c. 291 s. 3; Stats. 1923 s. 107.06; 1959 c. 238; 1959 c. 640 s. 18; 1961 c. 33.

**107.11 History:** 1851 c. 221 s. 1, 2; R. S. 1958 c. 55 s. 1, 2; R. S. 1878 s. 1656; Stats. 1898 s. 1656; 1923 c. 291 s. 3; Stats. 1923 s. 107.11.