

ing as the interest so refunded shall have been originally credited to the one or the other of said funds.

(c) The six percent interest provided for in said sections 24.34 and 24.35 shall be paid, two and one-half per cent from the general fund, and three and one-half per cent from the same fund from which the refund of interest is required by paragraph (b) hereof to be paid.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 280, A.]

[Published June 30, 1921.

CHAPTER 434.

AN ACT to repeal sections 1728a, 1728a—1, 1728a—3, 1728a—4, 1728a—6, 1728b, 1728c, 1728d, 1728e, 1728g, 1728h, 1728i, 1728j, 1636—106, 1728c—1 and 1728o—2 of the statutes, and to create sections 1728a, 1728b, 1728c, 1728d and 1728e of the statutes, relating to child labor and providing penalties.

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

SECTION 1. Sections 1728a, 1728a—1, 1728a—3, 1728a—4, 1728a—6, 1728b, 1728c, 1728d, 1728e, 1728g, 1728h, 1728i, 1728j, 1636—106, 1728c—1 and 1728o—2 of the statutes are repealed.

SECTION 2. Five new sections are added to the statutes to be numbered and to read: Section 1728a. 1. The terms "place of employment," "employment," "employer," "employee," "frequenter," "deputy," "order," "local order," "general order," "special order," "welfare," "safe," and "safety," as used in sections 1728a to 1728e, inclusive, shall be construed as defined in section 2394—41 of the statutes.

2. (a) No employer shall employ or permit any minor or any female to work in any place of employment, or at any employment dangerous or prejudicial to life, health, safety or welfare of such minor or such female, or where the employment of such minor may be dangerous or prejudicial to the life, health, safety or welfare of other employes or frequenters.

(b) It shall be the duty of the industrial commission, and it shall have power, jurisdiction and authority to investigate, determine and fix reasonable classifications of employments and places of employment, minors and females, and to issue general or spe-

cial orders prohibiting the employment of such minors or females in any employment or place of employment dangerous or prejudicial to the life, health, safety or welfare of such minor or female, and to carry out the purposes of sections 1728a to 1728e, inclusive, of the statutes.

(c) The investigations, classifications and orders provided for in paragraph (b) of this section and any action, proceeding, or suit to set aside, vacate or amend any such order of the commission, or enjoin the enforcement thereof, shall be made pursuant to sections 2394—41 to 2394—70, inclusive, of the statutes, and every order of the commission shall have the same force and effect as the orders issued pursuant to sections 2394—41 to 2394—70, inclusive, of the statutes.

3. Until such time as the industrial commission shall investigate, determine and fix the classifications provided for in paragraph (b) of subsection 2 of this section, the employments and places of employment designated in the following schedule shall be deemed to be dangerous or prejudicial to the life, health, safety or welfare of minors or females under the ages specified:

(a) Minors under twenty-one years of age: In cities of the first, second and third class, before six o'clock in the morning and after eight o'clock in the evening of any day, as messenger for a telegraph or messenger company in the distribution, transmission or delivery of messages or goods.

(b) Minors under eighteen years of age:

(1) Blast furnaces; in or about.

(2) Boats and vessels engaged in the transportation of passengers or merchandise; pilot; fireman; engineer.

(3) Docks; in or about.

(4) Dusts; operating or using any emery, tripoli, rouge, corundum, stone carborundum, and abrasive or emery polishing or buffing wheel, where articles of the baser materials, or of iridium, are manufactured.

(5) Electric wires; on the outside erection and repair of electric wires, including telegraph and telephone wires.

(6) Elevators; in the running or management of any elevators, lifts or hoisting machines.

(7) Explosives; in or about establishments where nitroglycerine, dynamite, dualin, guncotton, gunpowder, or other high or dangerous explosives are manufactured, compounded or stored

(8) Matches; in dipping, dyeing or packing.

(9) Mine or quarry; in or about.

(10) Oiling or cleaning; in oiling or cleaning dangerous or hazardous machinery in motion.

(11) Railroads, street railways and interurban railroads; switch-tending, gate-tending, or track repairing; as brakeman, fireman, engineer, motorman, conductor, telegraph operator.

(12) Wharves; in or about.

(13) Females; in the distribution or delivery of messages for any telegraph or telephone company or other employer engaged in similar business.

(c) Minors under sixteen years of age:

(1) Bakeries; dough brakes or cracker machinery of any description.

(2) Belts; adjusting belts (in motion); sewing belts (in any capacity).

(3) Boilers; operating any steam boiler or steam-generating apparatus.

(4) Bowling alleys; as pin boys.

(5) Building trades; on scaffolding, or on a ladder or in heavy work.

(6) Burnishing machines in any tannery or leather manufacturing.

(7) Corrugating rolls in roofing or washboard factories.

(8) Dusts; occupations causing dust in injurious quantities.

(9) Emery or polishing wheel for polishing metal.

(10) Immoral purposes; manufacture of goods for.

(11) Iron and steel, wire or iron-straightening machinery, punchers or shears.

(12) Laundry machinery.

(13) Liquors; in or about any store, brewery, distillery, bottling establishment, hotel barroom, saloon, saloon dining room or restaurant, any place in connection with a saloon or a 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.

(14) Machinery; oiling or assisting in oiling, wiping or cleaning any machinery in motion. Operating or assisting in operating or taking material from any circular or bandsaw, or any

crosscut saw or slasher, or other cutting or pressing machine from which material is taken from behind.

(15) Paints and poisons; manufacture of paints, colors or white lead. Manufacture of any composition in which dangerous or poisonous acids are used. Manufacture or preparation of compositions of dangerous or poisonous dyes. Manufacture or preparation of compositions with dangerous or poisonous gases. Manufacture or preparation of compositions of lye or in which the quantity thereof is injurious to health.

(16) Presses; cylinder or job, boring or drill.

(17) Rubber; washing, grinding or mixing mill or calendar rolls in rubber manufacturing.

(18) Stamping machines; in sheet-metal and tinware manufacturing. In washer and nut factory. In lace, paper and leather manufacturing.

(19) Theater or concert hall.

(20) Tobacco; in any tobacco warehouse, cigar or other factory where tobacco is manufactured or prepared.

(21) Woodworking; woodshaper, woodjointer, planer, sandpaper, woodpolishing or woodturning machine.

(22) Wool, cotton, hair, upholstering; carding machine, or machine used in picking wool, cotton, hair or any upholstering material.

(23) Any other employment dangerous to life or limb, injurious to the health, or depraving to the morals.

(d) Females:

(1) Any female under seventeen years of age in any capacity where such employment compels her to remain standing constantly.

(2) Any female in or about any mine or quarry.

4. (a) No child between the ages of fourteen and seventeen years unless indentured as an apprentice, as provided in section 2377 of the statutes, shall be employed, or permitted to work at any time in any factory, 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, or, in cities wherein a vocational school is maintained, in domestic service other than casual employment in such service, unless there is first obtained from the industrial commission, or from a judge of a county, municipal, or juvenile court designated by the indus-

trial commission where such child resides, or from some other person designated by the industrial commission a written permit authorizing the employment of such child in such employment within such time or times as the said industrial commission or a judge or other person designated by said commission may fix; providing that such times shall not conflict with those designated in subsection 8 of this section.

(b) No child under the age of fourteen years shall be employed, or permitted to work at any gainful occupation or employment, except that during the vacation of the public or equivalent school in the town, village 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, village 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 as prescribed in paragraph (a) of subsection 4 of this section. For such vacation permit no proof of educational qualifications shall be necessary. This paragraph shall not be construed to authorize the employment of any child under fourteen years of age in the delivery of merchandise.

5. The permit provided for in subsection 4 of this section shall contain the signature of the vocational school director where the child is to attend and state the name, the date and place of birth of the child, the color of hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the following evidence, records and papers have been duly examined, approved and filed.

(1) Such evidence as is required by the industrial commission showing the age of the child. The industrial commission shall formulate and publish rules and regulations governing the proof of age of minors who apply for labor permits, and such rules and regulations shall be binding upon all persons authorized by law to issue such permits.

(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 aforementioned 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 and place of birth of such child, the number of years that such child has attended

school, and that such child has passed successfully the seventh grade in the public school, or in some school having a substantially equivalent course, or that it has attended school for at least eight years. It shall be the duty of such superintendent, principal or clerk to issue such certificate upon receipt of any application in behalf of any child entitled thereto.

(3) A letter written on the regular letterhead or other business paper used by the person who desires to employ the child, stating the intention of such person to employ such child and signed by such person or someone duly authorized by him.

6. (a) The permits provided for in subsection 4 of this section shall be issued upon blanks furnished by the industrial commission and shall be made out in duplicate. One of such duplicates shall be forthwith returned to the industrial commission, together with a detailed statement of the character and substance of the evidence offered prior to the issuance of such permit. Such statement shall be made upon blanks furnished by the industrial commission.

(b) Whenever it shall appear to the industrial commission that any permit has been improperly or illegally issued, or that the physical or moral welfare of the child would be best served by the revocation of the permit, the said commission 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. Upon receipt of such notice, the employer employing such child shall forthwith return the revoked permit to the industrial commission and discontinue the employment of the child.

(c) The industrial commission or other person designated under the provisions of subdivision (a) of subsection 4 of this section, may refuse to grant permits in the case of children who may seem physically unable to perform the labor at which they are to be employed. They may also refuse to grant a permit if, in their judgment, the best interests of the child would be served by such refusal.

(d) Nothing contained in sections 1728a to 1728e, inclusive, of the statutes, shall be construed to forbid any child from being employed in agricultural pursuits, nor to require a permit to be obtained for such child.

7. Every employer employing or permitting a minor to work as provided in this section shall:

(1) Receive and file the permit before the minor is permitted to do any work and shall keep the same on file during the entire period of the employment of the minor and subject at all times to the inspection of the industrial commission or any truant officer.

(2) Post in a conspicuous place in each of the several departments in or for which minors under sixteen years of age are employed a list on a printed form furnished by the industrial commission stating the names, ages and 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.

(3) Upon the termination of employment of any minor, return within twenty-four hours the permit for employment of such minor to the person and place designated by the industrial commission, with a statement of reasons for the termination of said employment. Any employer who fails to return the permit of any minor as provided in this paragraph, shall be liable in action to such minor for two dollars for each day during which such failure continues.

8. (a) No child under the age of sixteen years shall be employed or permitted to work at any gainful occupation, other than domestic service or farm labor, for more than forty-eight hours in any one week, nor more than eight hours in any one day, nor before the hour of seven o'clock in the morning nor after the hour of six o'clock in the evening, nor more than six days in any one week. In occupations in which the hours of labor of women are regulated under the provisions of the statutes, the dinner period for girls under sixteen shall not be shorter than that provided for adult women. In occupations in which the hours of labor of women are not regulated under the provisions of the statutes, the dinner period for girls under sixteen shall not be less than one hour. In no case shall the dinner period allowed to boys under sixteen years of age be less than thirty minutes. During such dinner period, the power shall be disengaged from machinery operated by children under sixteen years of age and no work shall be permitted.

(b) No person under eighteen years of age shall be employed or permitted to work in a cigar shop or cigar factory at manufacturing cigars for longer than eight hours a day or forty-eight hours a week.

Section 1728b. 1. No child under sixteen years of age shall be employed, or permitted to sing, play or perform in any circus, theatrical or musical exhibition, concert or festival, or in any public place, unless there is first obtained from the industrial commission, 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 from a county judge, municipal judge, or judge of a juvenile court of this state if such child is not a resident of this state, a written permit authorizing the appearance of such child at such places, at such times as the said industrial commission, county judge, municipal judge or judge of a juvenile court may fix; provided, that it appears to the satisfaction of such industrial commission, 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 those 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 industrial commission, county judge, municipal judge or judge of a juvenile court.

2. The provisions of this section shall not prevent the education of children in music nor their employment as musicians or participants in a church, chapel, or school exhibition, nor in any home talent exhibition given by the people of the local community, nor shall permits of any kind be required for such activities.

Section 1728c. (a) The industrial commission and truant officers shall visit and inspect at all reasonable times, and as often as possible, all places covered by sections 1728a to 1728c, inclusive, of the statutes.

(b) 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 sections 1728a to 1728e, inclusive, of the statutes, on the premises of such opera house or similar place of any name.

(c) The failure of any employer to produce for inspection to the industrial commission, or truant officers, the permit provided for in subsection 4 of section 1728a, shall be prima facie evidence of unlawful employment of the minor. The presence of any minor in any factory, workshop or other place of employment, shall be prima facie evidence of the employment of such minor.

The presence of any child under sixteen years of age in any factory, workshop or other place of employment at any time other than that named on the posted hours of labor, as provided in subsection 7 of section 1728a, shall be prima facie evidence of the unlawful employment of such child.

Section 1728d. (a) Whenever any day vocational school shall be established, according to the provisions of sections 41.13 to 41.20, inclusive, in any town, village or city in this state for minors between the ages of fourteen and seventeen, working under permit as provided by law, every such child residing or employed within any town, village or city in which any such school is established, shall attend such school in the daytime not less than eight hours per week for at least eight months in each year and for such additional months or parts thereof as the other public schools of such city, town or village are in session in excess of eight during the regular school year, or the equivalent as may be determined by the local board of vocational education, and every employer shall:

(1) Allow all minor employes over fourteen and under seventeen years of age a reduction in hours of work of not less than the number of hours the minor is by law required to attend school.

(2) Allow the reduction of hours of work at the time when the classes, which the minor is by law required to attend, are held, whenever the working time and the class time coincide.

(b) The total hours of schooling and employment for minors under sixteen years of age shall not exceed eight in any one day and forty-eight in any one week, and the total hours of schooling and employment for boys over sixteen and under seventeen years of age shall not exceed fifty-five in any one week; except when the minor shall attend school a greater number of hours than is required by law, in which case the total number of hours may be increased by the excess of the hours of school attendance over the minimum prescribed by law.

Section 1728e. 1. (a) Any employer who shall employ, or permit any minor or any female to work in any employment in violation of any of the provisions of sections 1728a to 1728e, inclusive, of the statutes or of any order of the industrial commission issued under the provisions of said sections, or shall hinder or delay the industrial commission or truant officers in the performance of their duties, or refuse to admit or lock out any such

officer from any place required to be inspected under the provisions of sections 1728a to 1728e, inclusive, of the statutes, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars for each offense, or imprisoned in the county jail not longer than thirty days. Every day during which such violation continues shall constitute a separate and distinct offense.

(b) The penalties specified in paragraph (a) of this section may be recovered by the state against any employer in an action for debt brought before any court of competent jurisdiction.

(c) Any parent or guardian who suffers or permits a child to be employed or to work in violation of any of the provisions of sections 1728a to 1728e, inclusive, of the statutes, or of any order of the industrial commission issued under the provisions of said sections, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars for each offense, or imprisoned in the county jail not longer than thirty days.

2. Whenever in any proceeding in any court under any of the provisions of sections 1728a to 1728e, inclusive, of the statutes, or of any order of the industrial commission issued under the provisions of said sections, there is any doubt as to the age of the child, a verified baptismal certificate or duly attested birth certificate shall be produced and filed with the court. In case such certificate cannot be secured, upon proof of such fact the record of age stated in the first school enrollment of such child shall be admissible as evidence thereof.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 27, 1921.

No. 514, A.]

[Published June 30, 1921.]

CHAPTER 435.

AN ACT to create section 959—35j of the statutes, empowering all cities of the first class, however incorporated, to pave or repave the street railway zone upon public highways and to charge and to collect the cost thereof from the corporation operating a street railway over said highway when said corporation shall elect not to do said work itself.

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