

## Operatives.

1. Goods, chattels, &c., of manufacturers or corporation not liable to be removed by virtue of execution, &c., until wages of operatives are first paid. Limitation.
2. If goods, &c., removed by sheriff without paying operatives, not to be sold for ten days and until operatives paid.
3. Proceedings for sale of personal property by receiver to pay workmen's wages.
4. Act extended to cases pending.
5. Not lawful to pay workmen or laborers by orders upon store-keepers. Penalty.
6. Act extended to seamstresses, &c.
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44. Accidents to be reported.
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46. Factories, &c., of two or more stories in height to be provided with outside fire-escapes.
47. Rope or portable fire-escapes to be constructed.
48. Main doors to open outwardly, &c.
49. No minor to be employed at work dangerous to health.
50. Factories, &c., to be limewashed or painted.
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72. Penalty.
73. Board of education may provide for free lectures for working men and women.
74. And may provide books, stationery, &c., necessary for the same.
75. No admission fee to be charged. When lectures shall be delivered.
76. Board shall vote necessary appropriation.
77. Operatives shall have notice before being discharged.

**An act to secure to operatives in manufactories, and other employes, their wages.**

P. L. 1856, p. 219.

Goods, chattels, &c., of manufacturer or corporation not liable to be removed by virtue of execution, &c., until wages of operatives are first paid.

Not to exceed one month's wages.

1. That no goods, chattels, or personal property whatsoever, being in this state, and belonging to any manufacturer or other person or persons, or to any corporation, shall be liable to be removed by virtue of any execution, attachment, or other process, unless the party by whom or at whose suit the said execution, attachment, or other process, was issued or sued out, shall first pay, or cause to be paid, to the operatives, mechanics and other employes employed by such manufacturer, person, persons, or corporation, the wages then owing from such manufacturer, person, persons, or corporation, to the operatives, mechanics, and other employes, employed by them; *provided*, the same shall not exceed one month's wages, and in case the sum owing as aforesaid shall exceed one month's wages,

Approved March 13, 1856.

then the said party at whose suit such process is sued out, upon paying the said operatives, mechanics and other employes one month's wages, may proceed to execute his process, as he might have done before the passage of this act; and the sheriff or other officer is hereby empowered and required to levy and pay to the plaintiff, as well the money so paid for wages, as the money to be made by virtue of such process. (a)

2. That if the sheriff or other officer shall, by virtue of any execution, attachment, or other process, remove from the possession or premises of any person, persons, or corporation against whom such process may be issued, any goods, chattels, or personal property, without first paying to the operatives, mechanics and other employes of such person, persons, or corporation their wages, to the amount in the preceding section specified, such goods, chattels, or personal property shall not be sold by such sheriff or other officer so taking or removing the same, until ten days after such removal, and then not until the plaintiff or party at whose suit such goods or chattels are taken as aforesaid shall, before the sale thereof, pay to the operatives, mechanics and other employes of such person, persons, or corporation against whom such process is issued, the wages due them at the time of such removal; *provided*, the same shall not in any case exceed one month's wages, and if more than one month's wages is owing to such operatives, mechanics, or other employes, then the party by whom or at whose suit such execution or other process is issued, by paying one month's wages, may proceed to execute his process, and sell such goods or personal property; *provided*, the persons to whom such wages may be owing shall, before the expiration of said ten days after such removal, give notice to the sheriff or other officer holding such process, of the amount of wages due, and claim the same, which notice may be served by delivering the same to said officer, or leaving a copy thereof at his usual place of abode.

If goods, &c., removed by sheriff without paying operatives, not to be sold for ten days, and not until wages paid.

Not to exceed one month's wages.

#### Supplement.

Approved March 3, 1881.

P. L. 1881, p. 74.

3. SEC. 1. That whenever, in any suits at law or in equity, pending in any of the courts of this state, it shall become necessary or advisable for such court to appoint a receiver to take the charge and possession of the goods, chattels and personal property of any manufacturer, distiller, brewer or producer of any manufactured articles, in whatsoever stage the same may then be, and then being due and unpaid to the mechanics, workmen and laborers employed by such manufacturer and other persons, sole or corporate, producing such manufactured articles, wages for the labor and services by such mechanics and workmen bestowed upon the goods, chattels and personal property thus then taken by such receiver, it shall be the duty of the chancellor, or of the judge appointing such receiver, on being petitioned by such workmen and employes for the payment of such unpaid wages due to them, setting forth the nature and kind of services performed, and of the amount due to such petitioners, to make an order directing a reference to a master in chancery to ascertain and report upon the correctness of the allegations in such petition contained, and of the amount of wages then due and unpaid to such petitioner and petitioners, and thereupon further direct such receiver forthwith to make sale of so much of such personal property as may be necessary to pay such wages to such employes and workmen in preference to any other creditor, and without delay.

Proceedings for sale of personal property by receiver to pay workmen's wages.

4. SEC. 2. That the provision of this act shall extend to all cases, if any, at the passage of this act, pending in any court of this state, when distribution of the assets thus taken and held by any such receiver has not been made.

Provisions of act, to extend to all cases pending.

(a) A landlord's lien for rent is entitled to no priority over the claims of operatives for wages. *In re McConnell*, 9 Nat. Bankrupt Register 387, Nixon, J.

An act for the better securing of wages to workmen and laborers in the state of New Jersey.

P. L. 1864, p. 729.

Approved April 14, 1864.

Not lawful to pay workmen or laborers by orders upon storekeepers.

5. SEC. 1. That it shall not be lawful for any iron master, foundryman, collier, factoryman, employer, or company, their agents or clerks, to pay the wages of workmen or laborers by them employed, in either printed, written or verbal orders, except for the payment of money, upon any storekeeper or storekeepers, or other dealers in merchandise or other articles, whether connected in business with the said iron master, foundryman, collier, factoryman, employer, or company, or not; any iron master, foundryman, collier, factoryman, employer, or company, paying to the said workman or laborer so as aforesaid by him employed, or authorizing their agent or agents or storekeeper so to do as aforesaid, shall forfeit the amount of said pay or any part of the wages of said workman or laborer given in orders upon any such store, except as aforesaid, or any orders so given or paid, and the same shall not be offset against the wages of said workman or laborer, but he shall be entitled to recover the full amount of his wages as though no such order or orders had been given or paid; and no settlement made with such employer shall bar such action until after the lapse of six months from such settlement.

Penalty for so paying.

6. SEC. 2. That the provisions of this act shall extend to all seamstresses or females employed in factories or otherwise.

Act extended to seamstresses, &c. Counties excepted from provisions of act.

7. SEC. 3. That this act shall be taken and deemed to be a public act, and take effect on the fourth day of July, eighteen hundred and sixty-four, except in the counties of Morris, Sussex, Somerset, Middlesex, Monmouth, Burlington, Warren, Ocean and Hunterdon, which counties are especially excepted from the provisions of this act; and excepting, also, the county of Essex, in which said county this act shall take effect on the first day of January, eighteen hundred and sixty-five. [See Secs. 15 to 19, *post.*]

[See ASSIGNMENT, Sec. 8.]

An act for the better securing of wages to workmen and laborers in the state of New Jersey.

P. L. 1877, p. 231.

Approved March 9, 1877.

Penalty for issuing orders in payment for labor.

8. SEC. 1. [Amended by Sec. 10, *post.*]  
9. SEC. 2. That if any person or corporation shall issue, for payment of labor, any paper, in violation of the first section of this act, he, she or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed five hundred dollars, at the discretion of the court.

Supplement.

P. L. 1880, p. 45.

Approved February 23, 1880.

10. SEC. 1. That section one of an act entitled "An act for the better securing of wages to workmen and laborers in the state of New Jersey," approved March ninth, one thousand eight hundred and seventy-seven, which reads [see P. L. 1887, p. 231], be and the same is hereby amended so that the same shall read and be:

Issuing orders in payment of labor prohibited.

[That it shall not be lawful for any person or corporation in this state to issue, for payment of labor, any order or other paper whatsoever, unless the same purport to be redeemable for its face value at sight in lawful money of the United States, by the person giving or issuing the same; *provided, however,* nothing in this act contained shall be held to prevent any employer from making any deduction for money due him from any laborer or employe; *and provided, however,* nothing in this act contained shall prevent any private individual from giving any orders for goods and merchandise on any store in which such private individual has no interest, directly or indirectly, in the profits or business.]

Proviso.

Proviso.

## Supplement.

Approved April 14, 1891. P. L. 1891, p. 404.

**11. SEC. 1.** That it shall not be lawful for any corporation doing business in this state to require workmen, laborers or other employes, in their contract of employment, or prior or subsequent thereto, to sign a written consent for said corporation to retain or keep back any part of their wages when due, under pretense of investing the same or establishing a fund for the relief or assistance of such workmen, laborers or other employes when sick or otherwise disabled.

Unlawful for corporation to require workmen to sign a written consent for said corporation to retain any part of their wages for a relief fund.

**12. SEC. 2.** That it shall not be lawful for any corporation of this state, or any corporation doing business in this state, to retain or keep back any part of the wages due their workmen, laborers or other employes, without the free and voluntary consent of such workmen, laborers or employes, under pretense of assisting, relieving or maintaining said employes when sick or otherwise disabled.

Unlawful to retain any part of wages without workmen's consent.

**13. SEC. 3.** That all such diversions of the wages of the employes without the free and voluntary consent of such workmen, laborers or employes of corporations aforesaid when due from the use, possession or control of said employes, to the control or possession of said corporation for the pretended use or benefit of said employes, shall be adjudged by the courts of this state to be against public policy.

Such diversion of wages declared to be against public policy.

**14. SEC. 4.** That all violations of the first or second sections of this act by the directors or managing officials of any corporation of this state or corporation doing business in this state shall be deemed a misdemeanor, and shall subject them or any of them to an indictment for misdemeanor in any county in this state where said corporation does business, and upon conviction thereof he, she or they shall be punished by fine or imprisonment in the county jail, said fine not to exceed two hundred dollars and said imprisonment not to exceed six months, or both, in the discretion of the court.

Penalty for violations of above sections.

**An act to secure to workmen the payment of wages in lawful money.**

Approved March 12, 1880. P. L. 1880, p. 295.

**15. SEC. 1.** That it shall not be lawful for any glass manufacturer, iron master, foundryman, collier, factoryman, employer, cranberry-grower or his agent or company, their agents or clerks, to pay the wages of workmen or employes by them employed in either store goods, merchandise, printed, written, verbal orders, or due bills of any kind.

Unlawful to pay wages of workmen or employes in store goods, orders, &c.

**16. SEC. 2.** That any glass manufacturer, iron master, foundryman, collier, factoryman, employer, cranberry-grower or his agent, or company paying to the said workmen or employes, or authorizing their clerks or agents to pay the wages, or any part thereof, in either store goods, merchandise, printed, written, verbal orders, or due bills of any kind, except as aforesaid, shall forfeit the amount of said pay or any part of wages of said workman or employe given in store goods, merchandise, printed, written, verbal orders or due bills of any kind, and the same not to offset against the wages of said workman or employes, but he or they shall be entitled to recover the full amount of his or their wages, as though no such store goods, merchandise, printed, written, verbal orders or due bills had been given or paid; and no settlement made with such employer shall bar such action until after a lapse of one year from such settlement.

Forfeiture for violation of act.

**17. SEC. 3.** That the provisions of this act shall extend to all seamstresses, females and minors employed in factories or otherwise.

Act extended to females and minors.

**18. SEC. 4.** [Amended by Sec. 20, *post.*]

**19. SEC. 5.** That this act shall take effect the fourth of July next, and all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.

## OPERATIVES.

## Amendatory act.

P. L. 1888, p. 174.

Approved March 13, 1888.

**20. SEC. 1.** That section four of the act entitled "An act to secure to workmen the payment of wages in lawful money," approved March twelfth, one thousand eight hundred and eighty, be and the same is hereby amended so that the same shall read as follows:

Penalty for offending against provisions of act.

[That any glass manufacturer, iron master, foundryman, collier, factoryman, employer or company offending against the provision of this act, shall be guilty of a misdemeanor and punishable by a fine of not less than ten dollars or more than one hundred dollars for each and every offense, or imprisonment not to exceed the term of thirty days, at the discretion of the court.]

**An act for the relief and protection of workmen in the purchase of store goods and supplies.**

P. L. 1881, p. 239.

Approved March 25, 1881.

Unlawful for manufacturer, &c., to attempt to control employes or laborers in the purchase of store goods, &c.

**21. SEC. 1.** That it shall not be lawful for any manufacturer, firm, company or corporation, their agents, clerks or superintendents, in this state, who own or control a store for the sale of general store goods or merchandise in connection with their manufacturing or other business, to attempt to control their employes or laborers in the purchase of store goods and supplies at the aforesaid store by withholding the payment of wages longer than the usual time of payment, whereby the employe would be compelled to purchase supplies at said manufacturer's, firm's, company's or corporation's store.

Penalty for violation of this act.

**22. SEC. 2.** That any manufacturer, firm, company or corporation offending against the provisions of this act, the same shall be a misdemeanor, and on conviction in any court having jurisdiction thereof, shall be fined not to exceed one hundred dollars, with costs of suit, for each offense, to be sued by and for the benefit of any citizen of the state.

**An act relative to persons combining and encouraging other persons to combine.**

P. L. 1883, p. 36.

Approved February 14, 1883.

Not unlawful for persons to combine to persuade others as to their employment.

**23. SEC. 1.** That it shall not be unlawful for any two or more persons to unite, combine or bind themselves by oath, covenant, agreement, alliance or otherwise, to persuade, advise or encourage, by peaceable means, any person or persons to enter into any combination for or against leaving or entering into the employment of any person, persons or corporation. (a)

Repealer.

**24. SEC. 2.** That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

**An act for the better securing and enjoyment of wages to workmen and laborers in the state of New Jersey.**

P. L. 1884, p. 245.

Approved April 22, 1884.

Unlawful for any person to have assigned to him wages of workmen so as to receive more than legal interest.

**25. SEC. 1.** That it shall not be lawful for any person or persons to purchase or have assigned to him or them any pay or wages due, or to become due, to any laborer or employe of any corporation or individual or individuals doing business in this state, for any work or labor to be rendered by such laborer or employe of any such corporation or individual or individuals, upon which such person or persons so purchasing or having assigned to him or them shall directly or indirectly have received, or contracted to receive, from such laborer or employe, more than the legal rate of interest established by the laws of this state upon the amount of such pay or wages due, or to become due, so purchased or assigned.

(a) Since this act, it is not unlawful in this state for the members of an association to combine together for the purpose of securing the control of the work connected with their trade,

and to endeavor to effect such purpose by peaceable means. *Mayer v. Journeymen Stonecutters' Association*, 2 Dick. 519.

**26. SEC. 2.** That any person or persons violating the first section of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, at the discretion of the court; *provided, however,* that this act shall not apply to any assignment of such pay or wages, made for the payment of any goods, wares or merchandise sold to such employe for the full value, or for any professional service rendered to such laborer or employe mentioned in such assignment.

Penalty for violation of act.

Proviso.

**A general act relating to factories and workshops and the employment, safety, health and work hours of operatives.**

Approved April 7, 1885.

P. L. 1885, p. 212.

**27. SEC. 1.** That any person or corporation engaged in manufacturing which requires from persons in his or its employ, under penalty of forfeiture of a part of the wages earned by them, a notice of intention to leave such employ, shall be liable to the payment of a like forfeiture if he or it discharges without similar notice a person in such employ, unless in case of a general suspension of labor in his or its shop or factory. [See Sec. 77, *post.*]

Forfeiture for discharging employes without notice.

**28. SEC. 2.** [Amended by Sec. 44, *post.*]

**29. SEC. 3.** That the belting, shafting, gearing and drums in all factories and workshops, when so placed as to be dangerous to persons employed therein while engaged in their ordinary duties, shall be securely guarded when practicable; if otherwise, then a notice of its danger shall be conspicuously posted in the factory or workshop.

Machinery dangerous to employes to be securely guarded.

**30. SEC. 4.** That no minor, under eighteen years of age, or woman, shall be required to clean any part of the mill gearing or machinery in any factory or workshop while the same is in motion, or work between the fixed or traversing part of any machine while it is in motion by the action of steam, water or other mechanical power. [See Sec. 45, *post.*]

Minor or woman not required to clean machinery, &c., while in motion.

**31. SEC. 5.** That the openings of all hoistways, hatchways, elevators and well-holes upon every floor of a factory or mercantile or public building shall be protected by good and sufficient trap-doors or self-closing hatches and safety catches, or strong guard-rails at least three feet high, and all due diligence shall be used to keep such trap-doors closed at all times except when in actual use by the occupant of the building having the use and control of the same.

Openings of hatchways, &c., to be protected.

**32. SEC. 6.** That no explosive or inflammable compound shall be used in any factory in such place or manner as to obstruct or render hazardous the egress of operatives in case of fire. [See Sec. 45, *post.*]

Use of explosive compounds.

**33. SEC. 7.** That no minor, under the age of sixteen, shall be employed in any manufacturing, mercantile or mechanical establishment more than ten hours a day or sixty hours a week.

Employment of minors.

**34. SEC. 8.** That suitable places shall be provided in all factories and workshops where girls or women are employed, where unclean work of any kind has to be performed, for such girls and women to wash and dress, and that stairs in use by female employes in all factories and workshops be properly screened.

Places to be provided for female employes to wash, &c.

**35. SEC. 9.** That separate water-closets be provided for the use of employes of either sex in all manufacturing, mercantile and mechanical establishments where persons of both sexes are employed.

Separate water-closets to be provided.

**36. SEC. 10.** That where the factories or workshops appear so overcrowded that, in the opinion of the inspector of factories, there is danger to health, the inspectors shall have power, after being supported in their opinion by some reputable resident physician, to prohibit such overcrowding.

Inspectors empowered to prohibit overcrowding.

**37. SEC. 11.** That the inspectors of factories shall have power to order a fan, or other mechanical means of proper construction, if practicable, for the purpose of preventing the inhalation of dust in establishments where any process is carried on by which dust is generated and inhaled by the workers to an injurious extent.

Inspectors may order fan to be constructed.

**38. SEC. 12.** That all factories and mines be ventilated so as to render harmless all impurities as near as may be.

Ventilation of factories, &c.

## OPERATIVES.

Regulations where cellars, &c., are occupied as bake-houses.

**39. SEC. 13.** That no cellar, room or place shall be occupied as a bake-house which is less than one-half of its height above the level of the street, footway or ground adjoining the same, unless the following regulations are complied with: first, no water-closet, earth-closet, privy or ash-pit shall be within or communicate directly with the bake-house; second, no drain or pipe for carrying off sewage or other impure matter shall have an opening within a bake-house, unless such drain or pipe be trapped with a six-inch water seal, both within and without the wall of the bake-house, and have a ventilating pipe of one-half the size of drain pipe between the wall and the outer trap, and which ventilating pipe shall run two feet above the roof of building.

Sleeping-places for employes of bake-houses.

**40. SEC. 14.** That the sleeping-places for workmen and others employed in bake-houses shall be separate and distinct from the places used for the making of bread.

Repealer.

**41. SEC. 15.** [Amended by Sec. 53, *post.*]

**42. SEC. 16.** That all acts or parts of acts inconsistent with the provisions of this act be and are hereby repealed.

## Supplement.

Approved May 6, 1887.

P. L. 1887, p. 243.

New occupier of factory to notify inspector of such occupancy.

**43. SEC. 1.** That every person shall within one month after he begins to occupy a factory or workshop, notify one of the factory inspectors of such occupancy.

Accidents to be reported.

**44. SEC. 2.** That section two of the act to which this is a supplement be amended to read as follows:

[That all accidents in workshops, factories or mines, which prevent the injured person or persons from returning to work within two weeks, or which result in death, shall, within twenty-four hours after the expiration of such two weeks, or after the death, as the case may be, be reported by the person in charge of such workshop, factory or mine, to one of the factory inspectors and to the city or district physician, where there is such an officer, which notice may be given by mail.]

Minors or women not to clean mill gearing or machinery while in motion.

**45. SEC. 3.** That section six (a) of the act to which this is a supplement be amended to read as follows:

[That no minor or woman shall clean any part of the mill gearing or machinery in any factory or workshop while the same is in motion, or work between the fixed or traversing parts of any machine while it is in motion by the action of steam, water or other mechanical power.]

Factories, &c., of two or more stories in height to be provided with outside fire-escapes.

**46. SEC. 4.** That all factories, manufacturing establishments or workshops of two or more stories in height, in which thirty or more persons are employed above the first floor thereof, shall be provided with one, or (if the proper officials deem necessary) more outside iron fire-escapes, not less than six feet in length and three feet in width, properly and safely constructed, guarded by iron railings not less than three feet in height, and taking in at least two windows at each story, and connected with the interior by easily-accessible and unobstructed openings; and the said fire-escapes shall connect by iron stairs not less than twenty-four inches wide, the steps to be not less than six inches tread, placed at not more than an angle of forty-five degrees slant, and protected by a well-secured hand rail on both sides, with a twelve-inch-wide drop ladder from the lower platform, reaching to the ground.

Rope or portable fire-escapes to be constructed.

**47. SEC. 5.** That for every twenty persons employed on every floor above the second floor of every factory and workshop there shall be one rope or portable fire-escape, and that each story shall be amply supplied with means for extinguishing fire.

Main doors to open outwardly, &c.

**48. SEC. 6.** That all the main doors, both inside and outside, in factories, shall open outwardly, when the inspectors of factories, in writing, so direct, and that no outside or inside door of any building, wherein operatives are employed, shall be so locked, bolted or otherwise fastened during the hours of labor, as to prevent egress.

(a) Should not the words "section six" be "section four?" See Secs. 30 and 32, *ante.*

**49. SEC. 7.** That no minor below the age of sixteen shall be employed at any work dangerous to health, without a certificate of fitness from a reputable physician.

No minor to be employed at work dangerous to health.

**50. SEC. 8.** That factories and workshops in which women and children are employed and where dusty work is carried on shall be limewashed or painted at least once in every twelve months.

Factories, &c., to be limewashed or painted.

**51. SEC. 9.** That an abstract of the factory and workshop laws, to be prepared and furnished by the chief factory inspector, shall be affixed in a conspicuous place at the entrance of every factory and workshop.

Abstract of laws to be affixed at entrance of factory, &c.

**52. SEC. 10.** That if the inspector of factories find that the heating, lighting, ventilation or sanitary arrangement of any shop or factory is such as to be injurious to the health of persons employed therein, or that the means of egress, in case of fire or other disaster, is not sufficient, or that the belting, shafting, gearing, elevators, drums and machinery in shops and factories are located so as to be dangerous to employes and not sufficiently guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not surrounded with proper safeguards for preventing accident or injury to those employed at or near them, he shall notify the proprietor of such factory or workshop to make the alterations or additions necessary within thirty days; and if such alterations or additions are not made within thirty days from the date of such notice or within such time as said alterations can be made with proper diligence upon the part of said proprietors, said proprietors or agents shall be deemed guilty of violating the provisions of this act; it shall then be the duty of the inspectors to examine the matter in dispute, and, if adverse to the appellant, he shall carry out the alterations or additions directed by said inspectors within thirty days, as aforesaid, and under the like penalty.

When inspector of factories to notify proprietor to make alterations or additions, &c.

**53. SEC. 11.** That section fifteen of the act to which this is a supplement be amended to read as follows:

[That any person or corporation, being the owner, lessee or occupant of any manufacturing establishment, factory, mine, workshop or store, or owning or controlling the use of any building or room, shall, for the violation of any provision of this act, or of the act to which this is a supplement, be liable to a penalty of fifty dollars for each offense, to be recovered in an action of debt in any district court in any city, or before any justice of the peace having due jurisdiction, and that any employe who shall be guilty of any violation of the provisions of this act shall be liable in a like action to a penalty of not more than fifty dollars, as the court shall fix; that such action shall be prosecuted in the name of the inspector of factories; the trial shall proceed as other actions upon contract, and the first process shall be a summons, returnable in not less than five days or more than ten days after issue, and it shall not be necessary to indorse the same as in qui tam actions; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, and in case such a defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the state, but shall only be discharged by the court making the order for the body execution, or one of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not accomplish the payment of the judgment and cost.]

Penalty for violating provisions of act and how recovered, &c.

**54. SEC. 12.** That all acts or parts of acts inconsistent with the provisions of this act be and are hereby repealed.

Repealer.

Supplement.

Approved May 13, 1889.

P. L. 1889, p. 446.

**55. SEC. 1.** That every building now or hereafter used, in whole or in part, as a public building, public or private institution, school-house, church, theater, public hall, place of assemblage or place of public resort,

Buildings to be provided with means of escape from fire.

Requirements of act.

and every building in which twenty or more persons are employed above the second story in a factory, workshop or mercantile or other establishment, and every hotel, lodging-house or tenement-house, in which ten or more persons lodge or reside above the second story, and every factory, workshop, mercantile or other establishment, the owner, lessee or anyone having control of such buildings, of which is notified in writing by the inspector of factories and workshops, or one of his deputies for the district in which any such building may be located, shall be provided with proper ways of egress or other means of escape from fire, sufficient for the use of all persons accommodated, assembling, employed, lodging or residing in such building or buildings, and such ways of egress and means of escape shall be kept free from obstruction, in good repair and ready for use; every room above the second story in any such building in which twenty or more persons are employed shall be provided with more than one way of egress, by stairways on the inside or outside of the building; stairways on the outside of the building shall be kept clear of ice and snow and other obstructions; women or children shall not be employed in a factory, workshop or mercantile or other establishment in a room above the second story from which there is only one way of egress; all doors in any building subject to the provisions of this section shall open outwardly, if the inspector or one of his deputies shall so direct in writing; no portable seats shall be allowed in the aisles or passageways of such building during any service or entertainment held therein; the proscenium or curtain-opening of all theaters shall have a fire-resisting curtain of some incombustible material, and such curtain shall be properly constructed, and shall be operated by proper mechanism; the certificate of the inspector of factories and workshops, or one of his deputies, shall be conclusive evidence of a compliance with such requirements.

Inspectors to examine buildings.

56. SEC. 2. That it shall be the duty of such inspector of factories and workshops, or his deputies, to examine, as soon as may be after the passage of this act, and thereafter from time to time, all buildings within his district subject to the provisions of this act; a copy of this act shall be kept posted in a conspicuous place in every such building by the person occupying the premises covered thereby.

Copy of act to be posted in building.

Inspector to issue acknowledgment of application for certificate under act.

57. SEC. 3. That upon an application being made to the inspector of factories and workshops for the granting of a certificate under this act, he shall issue to the person making the same an acknowledgment that such certificate has been applied for, and pending the granting or refusal of such certificate such acknowledgment shall have for a period of ninety days the same effect as such certificate, and such acknowledgment may be renewed by said inspector with the same effect for a further period not exceeding ninety days, and may be further renewed by the said inspector until such time as such certificate shall be granted or refused by him.

When change made in premises notice to be given to Inspector.

58. SEC. 4. That in case any change is made in any premises for which a certificate has been issued under this act, whether in the use thereof or otherwise, such as terminates the effect of such certificate as above provided in section two, it shall be the duty of the person making the same to give written notice thereof forthwith to the said inspector of factories and workshops.

When building found not to conform to provisions of act, inspector to give notice to owner.

59. SEC. 5. That in case any building or portion thereof subject to the provisions of this act is found by the said inspector or one of his deputies to fail to conform to the provisions of this act, or in case any change is made in such building or portion thereof, such as terminates the effect of a certificate formerly granted therefor as aforesaid, it shall be the duty of the inspector of factories and workshops to give notice in writing to the owner, lessee or person who may have control of such building, specifying and describing what additional ways of egress or means of escape from fire are necessary in the opinion of said inspector in order to conform to the provisions of this act and to secure the granting of a certificate as aforesaid; notice to any agent of such owner, lessee or occupant in charge of the premises, shall be sufficient notice under this section to such owner, lessee or occupant.

What sufficient notice.

**60. SEC. 6.** That in case any building subject to the provisions of this act is owned, leased or occupied, jointly or in severalty, by different persons, any one of such persons shall have the right to apply to any part of the outside of such building, and to sustain from any part of the outside wall thereof, any way of egress or means of escape from fire specified and described by the inspector as above provided, notwithstanding the objection of any other such owner, lessee or occupant; and any such way of egress or means of escape may project over any highway, street or alley.

Any one owner, &c., of buildings may provide means of escape from fire.

**61. SEC. 7.** That every story above the second story of a building subject to the provisions of section one, shall be supplied with means of extinguishing fire, consisting either of pails of water or other portable apparatus, or of a hose attached to a suitable water-supply, and capable of reaching any part of such story; and such means of extinguishing fire shall be kept at all times ready for use and in good condition.

Buildings above second story to be provided with means of extinguishing fire.

**62. SEC. 8.** That it shall be the duty of every owner, lessee or occupant of any building or part thereof subject to this act, to cause the provisions thereof to be carried out, and any owner, lessee or occupant failing to observe such provisions, shall be subject to a fine of not less than fifty nor more than five hundred dollars; but no prosecution therefor shall be brought until four weeks after written notice from the inspector of factories and workshops or one of his deputies, as above provided, of the changes necessary to be made in order to conform thereto, nor then, if in the meantime such changes have been made in accordance with such notification; notice to one member of a firm, of a corporation, or to the person in charge of the premises, shall be deemed sufficient notice hereunder, and such notice shall be given in person; any such owner, lessee or occupant shall be liable for all damages caused by his violation of the provisions of this act; any person using or occupying a building contrary to the provisions of this act may be enjoined from such use or occupation in a proceeding to be had before any court of competent jurisdiction at the instance of the inspector, and upon the filing of a petition or bill of complaint therefor, the court in which such proceeding is pending may issue a temporary injunction or restraining order, as provided in proceedings in equity and according to the practice of such court.

Penalty for failing to carry out provisions of act.

How prosecution brought.

**63. SEC. 9.** That each and every person employing labor, his officers, agents and employes, and any person or persons, owner or lessee of any building mentioned in section one of this act, located within this state, shall, on demand of the inspector of factories and workshops or any of his deputies, for admission to any such building, immediately admit thereto such inspector of factories and workshops or his said deputy, and such owner, lessee or occupant, his officers, agents and employes, shall afford such inspector or deputy full and free access to any room or apartment of any such building, and each of such persons hereby is required, if thereto requested by such inspector or deputy, to answer such questions as may be asked by such inspector or deputy, and if so requested by such inspector or deputy, to render a true account in writing to such inspector or his deputy, to the best of his knowledge, of every person or employe then belonging to such building regarding the various matters mentioned in this act, and whoever shall willfully fail or refuse to immediately answer such questions or to render such written report to such inspector or deputy as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum not less than fifty dollars and not exceeding one hundred dollars; and every president, treasurer, secretary, general agent or managing director of any manufacturing corporation located and employing labor in this state, or the owner, lessee or occupant of any building or institution mentioned in section one of this act, from which answers to any questions or the rendition of a written report are herein required to be made, who shall willfully neglect or refuse to give true and complete answers to any inquiries or render a written report as required by this section, such person, officer or agent, shall forfeit and pay a sum not less than fifty dollars nor more than one hundred dollars, to be recovered in an action of debt, to be instituted by the prosecutor of the pleas of the proper county in any court of

Employers, &c., required to admit inspector to building.

Answer questions and render account.

Penalty.

Penalty.

competent jurisdiction, in the name and for the use of the county wherein such violation occurs.

Fines and penalties, how enforced.

**64. SEC. 10.** That all fines and penalties imposed by this act may be enforced by indictment or appropriate action at law in any court of competent jurisdiction of the county wherein such offenses have been committed or forfeitures incurred.

Repealer.

**65. SEC. 11.** That all acts and parts of acts, general, special, local, public or private, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall be a public act and shall take effect immediately.

#### Supplement.

Approved March 23, 1892.

P. L. 1892, p. 171.

Fifty-five hours a week's work.

**66. SEC. 1.** That on and after the sixth day of July, one thousand eight hundred and ninety-two, fifty-five hours shall constitute a week's work in any factory, workshop or establishment where the manufacture of any goods whatever is carried on; and that the periods of employment shall be from seven o'clock in the forenoon until twelve o'clock noon, and from one o'clock in the afternoon until six o'clock in the evening of every working day except Saturday, upon which last-named day the period of employment shall be from seven o'clock in the forenoon until twelve o'clock noon.

Periods of employment.

Persons not to be employed except during above periods.

**67. SEC. 2.** That no person under the age of eighteen years, male or female, and that no woman above that age shall be employed in any factory, workshop or manufacturing establishment except during the periods of employment hereinbefore mentioned; *provided*, that the provisions in this act in relation to the hours of employment shall not apply to or affect any person engaged in preserving perishable goods in fruit-canning establishments or in any factory engaged in the manufacture of glass.

Proviso.

**68. SEC. 3.** That the inspector of factories shall investigate any reported violation of the provisions of this act and of the act to which this is a supplement, after it has been discovered by him or brought to his notice, and may proceed against the violator or violators in the manner prescribed by the act to which this is a supplement.

Inspector to investigate reported violations.

Penalty for violating provisions of act, how recovered, &c.

**69. SEC. 4.** That any manufacturer or other employer who shall violate any of the provisions of this act shall be liable to a penalty of one hundred dollars for each offense, to be recovered in the same way and for the same purpose as prescribed in the act to which this is a supplement.

Repealer.

**70. SEC. 5.** That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

#### Supplement.

Approved March 17, 1893.

P. L. 1893, p. 384.

When and where unlawful to manufacture coats, vests, &c.

**71. SEC. 1.** That no room or rooms, apartment or apartments in any tenement or dwelling-house shall be used for the manufacture of coats, vests, trousers, knee-pants, overalls, cloaks, furs, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers or cigars, except by the immediate members of the family living therein; that no person, firm or corporation shall hire or employ any person to work in any room or rooms, apartment or apartments, in any tenement or dwelling-house or building in the rear of a tenement or dwelling-house at making in whole or in part any coats, vests, trousers, knee-pants, overalls, cloaks, furs, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers or cigars, unless such person, firm or corporation first shall have obtained a written permit from the factory and workshop inspector or a deputy inspector, which permit may be revoked at any time that the health of the community or of those employed as aforesaid may require it, and that such permit shall not be granted until due and satisfactory inspection of the premises affected shall have been made by the said inspector or deputy inspectors; that such permit shall be framed and posted in a conspicuous place in the room or each of the rooms to which it relates, shall be duly numbered and shall state the number of persons allowed to be employed therein.

When necessary to have permit from inspector of factories, &c.

Permit may be revoked.

Permit posted in conspicuous place.

**72. SEC. 2.** That any person, firm or corporation being the owner, lessee or occupant of the room or rooms to which this act relates shall for the violation of any of the provisions herein be liable to the same penalty or penalties as are now prescribed for violations of the act and supplements of the act to which this is a further supplement.

Penalty for violation.

**An act to provide for free lectures for workingmen and working-women.**

Approved February 25, 1895.

P. L. 1895, p. 110.

**73. SEC. 1.** That the boards of education in cities of this state, or other municipalities containing over ten thousand population according to the last census, are hereby authorized and empowered to provide for the employment of lecturers on the natural sciences and kindred subjects in the public schools in any said city, or other municipality, in the evenings, for the benefit of workingmen and workingwomen.

Board of education may provide for free lectures to working men and women.

**74. SEC. 2.** That the said boards of education shall have power to purchase the books, stationery, charts and other things necessary and expedient to successfully conduct said lectures, which it shall have power to direct.

And may provide books, stationery, &c., necessary for the same.

**75. SEC. 3.** That no admission fee shall be charged, and at least one school in each ward, or subdivision of each city or municipality, where practicable, shall be designated by the said board of education for the purpose of carrying out the provisions of this act, and at least one lecture shall be delivered during each of the months of October, November, December, January, February and March in each year, which shall be advertised in a daily or weekly paper published in said city or municipality at least ten days in advance of the delivery thereof.

No admission fee shall be charged.

When lectures shall be delivered.

**76. SEC. 4.** That the boards of education of any of the said cities or municipalities are hereby authorized to meet previous to the first day of September, in the year one thousand eight hundred and ninety-five, and provide the necessary appropriations for the purpose of carrying out the provisions of this act.

Board shall vote necessary appropriation.

**An act relating to contracts and agreements of operatives in mills, factories and other manufacturing establishments.**

Approved March 14, 1895.

P. L. 1895, p. 300.

**77. SEC. 1.** That whenever any operative in any mill, factory or other manufacturing establishment shall contract or agree with his or her employer, or the agent of such employer, to forfeit any part of his or her wages or pay in case he or she shall quit work or service in such mill, factory or manufacturing establishment, without giving a certain specified notice of intention so to do, such operative shall, before being discharged from such work or service, be given notice thereof for the same length of time as that of the notice required of him or her as aforesaid, and in default of such notice, shall receive wages or pay for the same length of time for which his or her wages or pay would have been forfeited in case he or she had quit such work or service without notice as aforesaid; and whenever, in such a case, the wages or pay of such operative shall not be a fixed sum, as for instance, so much per day or week, then the wages or pay to be so received by such operative shall be the amount he or she might ordinarily have earned in the time for which such notice should have been given; and such operative, upon making demand for such wages or pay, and a refusal to pay the same, shall be entitled to sue for and recover the same, the same as if it was due under an express contract; and if he or she shall recover judgment in such suit for such wages or pay, or for a larger amount than had been tendered him or her in case a tender had been made, then he or she shall be allowed as part of the costs thereof, an attorney's fee, to be fixed by the court, and in case the defendant shall appeal from such judgment, and shall not be successful on such appeal, then such operative shall

Operatives shall have notice before being discharged.

How wages shall be estimated when rate has not been fixed.

When costs shall be allowed.

Proviso.

be allowed, as part of the costs of such appeal, an additional attorney's fee, to be fixed by the court; *provided, however*, that such operative shall not be entitled to receive or recover such wages or pay in consequence of having been discharged without notice as aforesaid, if he or she, by his or her misconduct in or about such work or service, or incompetency to perform properly such work or service, shall have given or afforded sufficient cause for such discharge. [See Sec. 27, *ante*.]

## Orphan Asylums.

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| 1. Orphan asylum associations authorized.  | 6. Amended by section 8.   |
| 2. Certificate, what to contain.   | 7. Act may be repealed.  |
| 3. To be evidence.   | 8. Number of managers of association and their first election.   |
| 4. Upon making certificate, recording and filing same, persons signing incorporated. | 9. Associations may change the time of holding annual elections. |
| 5. Powers of such corporation.   |  |

### An act for the establishment of orphan asylums.

P. L. 1877, p. 209.

Approved March 9, 1877.

Orphan asylum associations authorized.

Certificate to be filed.

Certificate, what to contain.

To be recorded in county clerk's office.

Filed in office of secretary of state.

To be evidence.

Upon making certificate, recording and filing same, persons signing incorporated.

Powers of such corporation.

To apply for and accept guardianship.

To bind out children.

Proviso.

To receive and retain children, &amp;c.

Act may be repealed.

1. That it shall be lawful for any five or more persons to form themselves into an orphan asylum association for the purpose of receiving, supporting and educating orphan children, upon making and filing a certificate in writing of their organization in the manner hereinafter mentioned.

2. That such a certificate in writing shall set forth:

I. The name assumed to designate such association;

II. The place in this state where such asylum shall be located and the objects for which the association shall be formed;

III. The period at which such association shall commence; which certificate shall be signed by the persons intending to form such association, and shall be proved or acknowledged and recorded, as required in case of deeds of real estate, in a book kept for the purpose of recording certificates of incorporation in the office of the clerk of the county where such asylum shall be located, and after being recorded, shall be filed in the office of the secretary of state.

3. That the said certificate or a copy thereof duly certified by said clerk or secretary shall be evidence in all courts and places.

4. That upon making said certificate and causing the same to be recorded and filed as aforesaid, the said persons so associating, their successors and assigns, shall be from [the] time of commencement fixed in said certificate, incorporated into an association by the name mentioned in the said certificate.

5. That all associations that may hereafter be established within this state, under the provisions hereinbefore contained, shall have power as follows:

I. To apply for and accept the guardianship of orphans or children who have no mother, upon giving proper security and complying with the laws of this state relative to guardianship;

II. To bind out such children as shall have been under their care for more than one year, as said association may deem advisable; *provided*, that when the parent of any such child shall pay anything to the said association for its support, the consent of such parent to the exercise by said association of such control over the said child shall be required;

III. To receive and retain all or any such orphan child or children or child having no mother, as may be placed under their charge, subject to such rules, by-laws and regulations, as may from time to time be passed by the managers of said association.

6. [Amended by Sec. 8, *post*.]

7. That the legislature shall have the right to repeal this act and the charter of any association at pleasure.