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BULLETIN OF THE
BUREAU OF LABOR STATISTICS

OF THE STATE OF CALIFORNIA.

PROPOSED LABOR LAWS.

COMPILED AND RECOMMENDED BY

E. L. FITZGERALD, - - - - - COMMISSIONER.

1896.

Printed at the State Printing Office, Sacramento.
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STATE BUREAU OF LABOR STATISTICS, }
SAN FRANCISCO, July 25, 1896. }

To his Excellency JAMES H. BUDD, *Governor of California:*

SIR: I have the honor to submit herewith a bulletin containing that portion of my Biennial Report for the years 1895-96 relating to laws and recommendations.

Yours very respectfully,

E. L. FITZGERALD,
Commissioner.

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TO THE PEOPLE OF THE STATE OF CALIFORNIA.

I beg leave to submit herewith for your consideration a budget of bills which I have prepared to be introduced at the next Legislature for the purpose of remedying and abolishing many of the evils to which labor has been subjected in the past, which said evils, in my opinion, should be speedily remedied.

Before presenting these bills, it is my desire that those directly interested in this legislation should first peruse and approve them, or suggest any changes which may be deemed expedient, in order that the same may be absolutely correct and operative when they become laws, and save any further legislation upon the same ground.

One by one has the necessity of each legislative action herein recommended become manifest in order to remedy the unfortunate existing conditions, and to extend to those requiring same the protection and rights which the Government owes them. Every measure herewith presented has been suggested by the consideration of complaints which from time to time have been filed in my office; the causes leading to the said complaints, in nearly every case, being the violation of unwritten law or the encroachment upon the rights of mankind, which now I consider the duty of our Legislature to rectify.

Much time and attention have been given by our sister States to the passage of laws protecting labor and according to it full justice at the hands of the people.

The labor laws of the State of California have been few, imperfect, and incomplete; effective in some instances, but not of sufficient scope to meet the requirements and necessities of our laboring classes. Therefore, with a view to the adoption of a code of laws which will form a nucleus, to be added to and improved upon from time to time as necessity requires, I submit these bills, the text of which will follow under their different heads—the following synopsis of same showing their objects:

No. 1. *Eight Hours.*

Section 3245 of the Political Code provides that eight hours shall constitute a day's work. The statute is not definite and is capable of circumvention by contractors who pay by the hour, and is, therefore, in many instances inoperative, requiring an amendment to render its enforcement effective.

No. 2. *Bakeries.*

To pass a uniform law requiring cleanliness, and to insure purity in the manufactured product of this all-important industry.

No. 3. *Governmental Boards Awarding Contracts.*

To prohibit Boards of Supervisors, Common Councils, Boards, Commissions, etc., awarding contracts to persons who have previously defrauded laborers of their wages. This practice is carried on, to a large extent, in San Francisco. There being no lien on public work, the laborer is placed at the mercy of his employer, with many disastrous results.

No. 4. *Bond Protecting Labor on Public Work.*

The purpose of this law is analogous to the foregoing, and is framed with a view of protecting the laborer where the foregoing, through inadvertence, might be disregarded.

No. 5. *Creating Bureau.*

To reestablish the Bureau as a Bureau of Labor, provide for Free Employment Offices, and to introduce provisions facilitating the work, where the present law is defective and inoperative.

No. 6. *Regulating Employment Offices.*

To place those persons who traffic in labor under uniform regulations, to protect the persons dealing with them, and to make the said agents amenable to law for the atrocities they have so long practiced.

No. 7. *Per Diem on Public Work.*

Creating a minimum price which laborers must be paid, insuring a livelihood, and protecting honest employers against unscrupulous competitors.

No. 8. *Bakers' Hours.*

To establish uniform hours for the persons engaged in this most arduous toil; a necessary sanitary regulation.

No. 9. *Time-Check System.*

To abolish the system now in vogue throughout the State of depriving laborers of their pay for unreasonable periods; to prevent the desperate condition to which laborers are forced through its operation—one of the greatest of evils, requiring proper legislation and enforcement.

No. 10. *Identity of Prison-Made Goods.*

Requiring the branding of all goods made in the penal institutions of the State, to distinguish the same from the product of free labor.

No. 11. *Remitting Advanced Costs of Suit.*

To allow the person who otherwise cannot collect money due for labor performed to sue for same in Justices' Courts, without advancing costs of suit.

No. 12. *Collusion with Employment Agents.*

To prohibit employers from contracting with employment agents to furnish labor and dividing commissions paid by the latter.

No. 13. *Employment of Citizens.*

To prohibit the employment of other than citizens of the United States upon public work.

No. 14. *Lunch Hour.*

To provide a reasonable time for the mid-day meal, obviating the evil of labor in retail establishments being forced to visit lunch-counters and saloons for want of time.

No. 15. *Boiler Inspectors.*

To provide for the proper conduct of this important business as a safeguard to life and property.

No. 16. *Providing for Payment of Employés.*

To avoid delay in payment of wages due when persons are discharged from service.

No. 17. *Blacklisting.*

To prevent an embargo upon labor when discharged for alleged causes, resulting in its inability to obtain other employment.

No. 18. *Costs of Suit.*

Providing for the costs in actions for the price of labor or services in different courts.

Permit me to state that I consider every laboring-man in this State to be directly interested in and affected by one or more of the foregoing bills, and it is to his interest to see the same passed. In compiling these laws, it has been my sole aim to be just and fair to all, fully comprehending, realizing, and recognizing the position and rights of employer and employé.

The mere passage of a law, if the same be not properly enforced when placed upon the statute books, is a waste of time and money; if allowed to lie dormant in our Codes the people of the State are deprived of the benefit after paying the expense of enactment; therefore, in this connection, permit me to say that I have, during my incumbency, in every instance where a violation of a labor law, whether or not I am supposed

to enforce same, has come under my observation, endeavored to enforce the same to the best of my ability, and the record in my office can best testify to the success achieved in the premises; and I further guarantee the vigorous and energetic enforcement of any laws which now are or hereafter may be enacted.

It is my sincere hope that every member of the Legislature will accord to these measures his hearty support, to the end that the work of the Department of Labor may be better facilitated and that protection and justice will be extended to the people of our State.

In conclusion, permit me to say that I deem these laws the personal concern of every laboring-man in California, and with him rests the matter of their enactment.

Respectfully submitted,

E. L. FITZGERALD,

Labor Commissioner.

SAN FRANCISCO, CAL., July 17, 1896.

No. 1.

An Act Amending Section 3245 of the Political Code.

*The People of the State of California, represented in Senate and Assembly,
do enact as follows:*

SECTION 1. Section thirty-two hundred and forty-five of the Political Code of this State is hereby amended so as to read as follows:

Section 3245. Eight hours' labor in each day of twenty-four hours shall constitute a legal day's work in all cases where the same is performed under the authority of the law of this State, or under the direction, control, or by the authority of any officer of this State acting in his official capacity, or under the direction, control, or by the authority of any municipal corporation within this State, or of any officer thereof acting as such; and in no case provided for in this section shall any person be permitted to labor more than eight (8) hours in each day of twenty-four (24) hours; and a stipulation embodying the provisions of this section must be made a part of all contracts to which the State or any municipal corporation therein is a party.

SEC. 2. Any contractor or other employer of labor, or any State or municipal officer or officers, who shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than two hundred dollars, or imprisoned in the county jail for a period of not less than thirty days, or both such fine and imprisonment.

SEC. 3. This Act shall take effect immediately.

No. 2.

An Act to Provide for the Proper Sanitary Condition of Bakeries, and the Preservation of the Health of the Employes therein.

*The People of the State of California, represented in Senate and Assembly,
do enact as follows:*

SECTION 1. All buildings or rooms occupied as biscuit, bread, pie, or cake bakeries, shall, upon the direction of the Labor Commissioner, be drained, plumbed, and ventilated, and kept in accordance with the laws, ordinances, and regulations governing drainage, plumbing, sanitation, and ventilation, in a manner to conduce to a proper and healthful sanitary condition, and in such manner as to insure ventilation. No cellar or basement not now used for a bakery shall hereafter be occupied and used as a bakery, unless the proprietor shall have previously complied with the sanitary provisions of this Act.

SEC. 2. Every room used for the manufacture of bread, or other flour or meal food products, shall be at least eight (8) feet in height and shall have, if deemed necessary by the Labor Commissioner, an impermeable floor constructed of cement, or of tiles laid in cement, with an additional flooring of wood or constructed of wood properly saturated with linseed oil. The side walls of said room shall be plastered or wain-

scoted, and, if required by the Labor Commissioner, the side walls and ceiling shall be whitewashed at least once in three (3) months, and the woodwork of such walls shall be painted when so required by said Commissioner. The furniture and utensils in such rooms shall be so arranged that the furniture and floor may at all times be in a proper, sanitary, and clean condition. No domestic animal, except cats, shall be allowed to remain in a room used as biscuit, bread, pie, or cake bakery, or in any room in such bakery where bread, or other flour or meal food products, are stored.

SEC. 3. Every bakery shall be provided with a proper wash-room and water-closets, apart from the bake-room or rooms where the manufacturing of such food products is conducted; and no water-closet, earth-closet, privy, or ash-pit shall be within or communicate directly with the bake-room of any hotel or public restaurant.

SEC. 4. Bread and other manufactured meal and flour food products shall be kept in perfectly dry and airy rooms, so arranged that floors, shelves, and other facilities for storing the same can be easily and perfectly cleaned.

SEC. 5. The sleeping-places for the persons employed in a bakery shall be separate from the room or rooms where bread or other flour or meal food products are manufactured or stored; and the Labor Commissioner may inspect such sleeping-places if they are on the same floor as the bakery, and order them cleaned or otherwise changed so as to comply with the sanitary laws and regulations.

SEC. 6. After the passage of this Act, no new bakery shall be established or re-opened where one has been closed, in a room the floor of which is more than two (2) feet below the level of the street, sidewalk, or adjacent ground.

SEC. 7. The owner, agent, or lessee of any property affected by the provisions of this Act, shall, within sixty (60) days after the service of a notice upon him by the Labor Commissioner requiring any alterations to be made in or upon such premises, comply with said requirements; and such notices shall be in writing, and may be served upon such owner, agent, or lessee, either personally or by mail; and a notice mailed to the last known address of such owner, agent, or lessee, shall be deemed sufficient for the purpose of this Act.

SEC. 8. Any person who violates any of the provisions of this Act, or refuses to comply with any of the requirements of the Labor Commissioner in pursuance thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty (20) dollars nor more than one hundred (100) dollars, or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days, or be both so fined and imprisoned.

SEC. 9. This Act shall take effect immediately.

No. 3.

An Act to Prohibit the Awarding of Contracts for Public Work to Persons having Judgments Standing against Them for Non-Payment of Labor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for any board or commission of the State, Board of Supervisors of any county or city and county, the Common Council of any municipality, or Board of Trustees of any district, or any other legislative body of any governmental subdivision of this State, which by law is empowered to award contracts, to award to any person, firm, corporation, or association of persons, any contract for the performance of public work when there shall be standing against the said person, firm, corporation, or association, in any county within this State, any unsatisfied judgment for the non-payment of wages due for labor performed.

SEC. 2. Any contract or contracts hereafter awarded in violation of this Act shall be wholly void, and no action thereon shall be maintained in any court in this State.

SEC. 3. This Act shall take effect immediately.

No. 4.

An Act to Provide for a Bond for the Protection of Laborers Upon Public Work.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any board, officer or officers, of any county, city and county, city, or town, of this State, or tribunal transacting the business of any municipal corporation of this State, shall contract with any person or persons for the construction, alteration, or repair of a public work of such character that, if both parties to the contract were private persons, all persons and laborers of every class performing labor upon, or furnishing materials to be used on such public work, would, under the provisions of the Code of Civil Procedure, relating to liens of mechanics and others upon real property, have a lien upon the property upon which they have bestowed labor or furnished materials, for the value of such labor done and materials furnished; then said board, officer or officers, or tribunal, shall, before the consummation of such contract, exact and take from such contractor a good and sufficient bond with two or more sureties, who shall justify as bail upon arrest, which said bond shall be conditioned to inure to the benefit of any and all persons who perform labor for said contractor, or for any person acting for him or by his authority; which bond shall be filed in the office of the Recorder of the county in which said public work is to be constructed.

SEC. 2. The bond mentioned in the preceding section shall be in an amount equal to the full contract price agreed to be paid for such public

work, and shall be to the State of California; and any and all persons to whose benefit said bond inures shall have an action to recover upon said bond against the principal and sureties, or either of them, for the value of such labor, not exceeding the amount of the bond.

SEC. 3. If any board, officer or officers, of any county, city and county, city, or town, of this State, or tribunal transacting the business of any municipal corporation in this State, shall fail to take the bond provided for in the two preceding sections of this Act, such board, officer or officers, or tribunal, shall be jointly and severally liable to the persons to whose benefit said bond inures to the full amount of the indebtedness of such contractor to said persons, incurred in the prosecution of such public work.

SEC. 4. This Act shall take effect immediately.

No. 5.

An Act to Establish and Support a Bureau of Labor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. As soon as possible after the approval of this Act, and every four (4) years thereafter, the Governor of the State shall appoint a suitable person to act as Commissioner of the Bureau of Labor. The headquarters of said Bureau shall be located in the City and County of San Francisco; said Commissioner to serve for four (4) years, and until his successor is appointed and qualified.

SEC. 2. The Commissioner of the Bureau, before entering upon the duties of his office, must execute an official bond in the sum of five thousand (5,000) dollars, and take the oath of office, all as prescribed by the Political Code for State officers in general.

SEC. 3. It shall be the duty of the Commissioner to collect, assort, systematize, and present, in biennial reports to the Legislature, statistical details, relating to all departments of labor in the State, such as the hours and wages of labor, cost of living, amount of labor required, estimated number of persons depending on daily labor for their support, the probable chances of all being employed, the operation of labor-saving machinery in its relation to hand labor, etc. Said statistics may be classified as follows:

First—In agriculture.

Second—In mechanical and manufacturing industries.

Third—In mining.

Fourth—In transportation on land and water.

Fifth—In clerical and all other skilled and unskilled labor not above enumerated.

Sixth—The amount of cash capital invested in lands, buildings, machinery, material, and means of production and distribution generally.

Seventh—The number, age, sex, and condition of persons employed; the nature of their employment; the extent to which the apprenticeship system prevails in the various skilled industries; the number of hours of labor per day; the average length of time employed per annum, and the

net wages received in each of the industries and employments enumerated.

Eighth—The number and condition of the unemployed, their age, sex, and nationality; together with the causes of their idleness.

Ninth—The sanitary condition of lands, workshops, dwellings, the number and size of rooms occupied by the poor, etc.; the cost of rent, fuel, food, clothing, and water in each locality of the State; also, the extent to which labor-saving processes are employed to the displacement of hand labor.

Tenth—The number, condition, and nature of the employment of the inmates of the State Prisons, county jails, and reformatory institutions, and to what extent their employment comes in competition with the labor of mechanics, artisans, and laborers outside of these institutions.

Eleventh—All such other information in relation to labor as the Commissioner may deem essential to further the object sought to be obtained by this statute, together with such strictures on the condition of labor and the probable future of the same as he may deem good and salutary to insert in his biennial reports.

SEC. 4. The Commissioner shall, as soon as practicable after the passage of this Act, establish under his direction a free employment department of the State Labor Bureau, and to that end he shall establish, and thereafter maintain, free employment offices, one at the headquarters of the Bureau of Labor in the City and County of San Francisco, and in such other city or cities as he may, in his judgment, deem the public interest and convenience require. He shall designate for each of said offices a deputy, who shall have charge of same, together with such other assistants as may be necessary to perform the work. It shall be the duty of the said deputy to receive all applications, except those of Chinese and Japanese, made at the office in his care by persons desiring to obtain employment, or to employ labor or help of any kind; to note requests of all such persons, and record, in a book or books kept for that purpose, the name and address and requirements of each, and fully impart to all applicants such information and advice as he may be able to give regarding their several wants; to exclude from the office, and enter upon a book kept for that purpose, the name of any person whom he shall have found to be unreliable, irresponsible, or otherwise objectionable; to make monthly reports to the Commissioner of the Bureau of Labor, of the number and nature of applications received, the number of persons (classified as to sex and occupation) who have secured employment through his office, and the number and character of "wants" which he is unable to supply; to collect labor statistics and facts relating to industrial pursuits and employments, and to perform such other duties pertaining to said office as may be prescribed by the Commissioner of said Bureau.

SEC. 5. No fee or compensation shall be charged to, or received from, any person seeking or obtaining employment, or employing or desiring to employ labor, through said offices; and any agent, clerk, or employe connected with any free public employment office established or maintained under this Act, who charges any fee to, or receives any compensation, directly or indirectly, from any person seeking or obtaining information, assistance, or benefit of any kind through said office, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined in any sum not exceeding one hundred (100) dollars, or im-

prisoned in the county jail for a term of not more than thirty (30) days, or both fined and imprisoned.

SEC. 6. It shall be the duty of all officers of State departments, and the county officers of the various counties of the State, to furnish, upon the written request of the Commissioner, all the information in their power necessary to assist in carrying out the objects of this Act. And all printing required by the Bureau in the discharge of its duty shall be performed by the State Printing Department, and at least three thousand (3,000) copies of the printed report shall be furnished the Commissioner for free distribution to the public; also, all bulletins and circulars that may be necessary from time to time.

SEC. 7. Any person who willfully impedes or prevents the Commissioner or his deputy in the full and free performance of his duty, or who willfully refuses to obey a subpoena issued by the Commissioner or his deputy, or who willfully refuses to respond when sent for in the performance of his or their duty, shall be guilty of a misdemeanor; and upon conviction of the same shall be fined not less than ten (10) nor more than fifty (50) dollars, or imprisoned not less than seven (7) nor more than thirty (30) days in the county jail, or both.

SEC. 8. The offices of the Bureau shall be open for business from nine (9) o'clock A. M. until five (5) o'clock P. M. every day except non-judicial days; and the officers thereof shall give to all persons requesting it all needed information which they may possess.

SEC. 9. The Commissioner shall have power to send for persons and papers whenever in his opinion it is necessary, and he may examine witnesses under oath, being hereby qualified to administer the same in the performance of his duty; and the testimony so taken must be filed and preserved in the office of said Commissioner. He shall have free access to all places and works of labor; and any principal, owner, operator, manager, or lessee of any mine, factory, workshop, warehouse, manufacturing or mercantile establishment, or any agent or employé of such principal, owner, operator, manager, or lessee, who shall refuse to said Commissioner, or his authorized representative, admission therein, or who shall, when requested by him, willfully neglect or refuse to furnish to him any statistics or information pertaining to his lawful duties, which may be in his possession or under the control of said principal, owner, operator, lessee, manager, or agent thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty (50) nor more than two hundred (200) dollars, and imprisoned in the county jail not more than thirty (30) days, or both.

SEC. 10. No use shall be made in the reports of the Bureau of the names of individuals, firms, or corporations supplying the information called for by this Act, such information being deemed confidential, and not for the purpose of disclosing any person's affairs; *provided, however*, that this section does not apply and is not intended to protect individuals, firms, or corporations who willfully refuse or neglect to furnish such information, or such information as cannot be construed to work an injury to the business of the informant. Any agent or employé of said Bureau violating this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed five hundred (500) dollars or by imprisonment in the county jail not to exceed six (6) months.

SEC. 11. The Commissioner shall appoint a chief deputy, who shall serve the same time and have the same powers as said Commissioner as

set forth in the preceding sections; three (3) deputies, who shall serve at the pleasure of the Commissioner, who shall have the same powers as the Commissioner and shall serve in such capacities as may be designated by the said Commissioner; and such other assistants, not to exceed —, as the performance of the work of the Bureau and of the said offices may require.

SEC. 12. The salary of the Commissioner shall be — dollars per annum, and the salary of the chief deputy shall be — dollars per annum, and the salary of the deputies shall be — dollars per annum, to be audited by the Controller and paid by the State Treasurer in the same manner as other State officers are paid.

SEC. 13. The sum of — dollars shall be appropriated each year out of any money in the State Treasury not otherwise appropriated, for the payment of rent, salaries of assistants, traveling, incidental, advertising, and all other expenses necessary in conducting the said Bureau.

SEC. 14. The Commissioner shall have power to appoint an attorney, who shall hold his office during the Commissioner's pleasure; and it shall be the duty of such attorney to act for and represent the Commissioner of the Bureau of Labor in all legal matters which may require the official attention of the Commissioner, and to conduct and prosecute to final judgment all actions or causes of action referred to him by the Commissioner, and to report fully upon all questions and actions referred to him by the Commissioner as often as may be required.

SEC. 15. The salary of such attorney shall be — dollars per annum and such reasonable fees as he may charge in all actions or suits conducted by him in which the amount involved is over twenty-five (25) dollars; *provided*, that no fee shall be charged by him in any action in which the amount involved is less than twenty-five (25) dollars.

SEC. 16. The stated salary of said attorney shall be paid out of the State Treasury, upon warrants drawn by the Controller, in the same manner as the salaries of other State officers are paid.

SEC. 17. An Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March third, eighteen hundred and ninety-three, and all Acts supplementary thereto or amendatory thereof, are hereby repealed.

SEC. 18. This Act shall take effect immediately.

No. 6.

An Act to Define the Duties and Liabilities of Employment Agents.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for any employment agent to receive, directly or indirectly, from any applicant for employment, any money, token, or other thing of value, in exchange for any information to be given or any registration to be made by said employment agent for the purpose of securing employment for said applicant, or in exchange for any other assistance or promise of assistance by said employment agent for the purpose of securing employment for said applicant, unless the said applicant is thereupon and forthwith secured employment by said

employment agent, or unless the money, token, or other thing of value deposited with or paid to said employment agent by said applicant be immediately returned to said applicant in the event that said applicant fails to obtain employment as aforesaid.

SEC. 2. No employment agent shall in any case charge, in return for securing employment for an applicant, as herein set forth, any fee or commission in excess of five (5) per cent of the monthly wages earned or to be earned by said applicant during the first month of his said employment; and in case the term of said employment shall be less than one (1) month, the fee or commission to be paid said employment agent shall in no case exceed five (5) per cent of the wages actually earned in said employment.

SEC. 3. Every employment agent shall, in connection with his business, keep a book or set of books showing the number of applications for employment made to said employment agent, the number of applicants sent by him to employers, the number of applicants for whom employment has been secured by said employment agent, the amount of fees and commissions, and the character and value of any other property taken by said employment agent in return for securing employment for applicants, and the amount of money and the character and value of other property returned to applicants who have failed to obtain employment; and every employment agent shall, upon the first day of each month, furnish to the Commissioner of the Bureau of Labor a written statement from said book or set of books plainly setting forth said facts upon a blank form to be furnished by the said Commissioner.

SEC. 4. Every firm, association, corporation, or person who pursues for profit the business of furnishing information to any applicant or applicants for employment for the purpose of enabling said applicant or applicants to obtain employment, or who registers for any fee, charge, or commission the name of any applicant or applicants for employment for the purpose of securing employment for said applicant or applicants, is an employment agent within the meaning of this Act.

SEC. 5. Every employment agent violating the provisions of this Act shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined not more than two hundred (200) dollars nor less than fifty (50) dollars, or be imprisoned in the county jail not more than thirty (30) days, or be both fined and imprisoned.

SEC. 6. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall take effect immediately.

No. 7.

An Act Fixing the Minimum Rate of Compensation for Labor on Public Work.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The minimum compensation to be paid for labor upon all work performed under the authority of any law of this State, or under the direction, control, or by the authority of any officer of this State acting in his official capacity, or under the direction, control, or

by the authority of any municipal corporation within this State, or of any officer thereof acting as such, is hereby fixed at two (2) dollars per day; and a stipulation to that effect must be made a part of all contracts to which the State or any municipal corporation therein is a party.

SEC. 2. This Act shall take effect immediately.

No. 8.

An Act to Add to the Political Code of the State of California Two New Sections, to be Numbered Sections 3246½ and 3247½ respectively, Regulating the Hours of Labor of Persons Employed in Bakeries.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following shall be added as a new section to the Political Code of the State of California, and shall be designated as section thirty-two hundred and forty-six and one-half:

3246½. Ten hours' labor constitutes a day's work on the part of every person working in a bread, cake, or other bakery. Any contract for a greater number of hours' labor in one (1) day shall be and is void at the option of the employé, without regard to the terms of employment, whether the same be by the hour, day, week, month, or any other period of time. Any and every person working over ten (10) hours in one (1) day in any bread, cake, or other bakery, shall receive from his employer thirty cents for each hour's labor over ten (10) hours in each day.

SEC. 2. The following shall be added as a new section to the Political Code of the State of California, and shall be designated as section thirty-two hundred and forty-seven and one-half:

3247½. In actions to recover the value or price of labor under section thirty-two hundred and forty-six and one-half of this Code, the plaintiff may include in one action his claim for the number of days, and the number of hours' work over ten (10) hours in each day, performed by him for the defendant, and the Court shall exclude all evidence of agreement to labor over ten (10) hours in one (1) day for a less price than thirty cents for each hour, and the Court shall exclude any and all evidence of receipt of payment for hours of labor over ten (10) hours in one (1) day, unless it be established that at least thirty cents for each hour of labor over ten (10) hours in one (1) day has been actually paid; and a partial payment shall not be deemed or considered a payment in full.

SEC. 3. This Act shall take effect immediately.

No. 9.

An Act to Enforce the Prompt Payment of the Wages of Laborers, in Lawful Money of the United States of America.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for any corporation, person, or firm engaged in manufacturing, mining, operating or constructing railroads, or in any other business or enterprise of whatsoever kind in this State, to issue, pay out, or circulate for payment of wages, any order, check, memorandum, token, or evidence of indebtedness, unless the same is negotiable and redeemable at its face value, without discount, in cash on demand, at the store or other place of business of such firm, person, or corporation where the same was issued; and any person, corporation, or firm which may hereafter issue any such order, check, memorandum, token, or other evidence of indebtedness, shall, upon the presentation thereof and demand, redeem the same in lawful money of the United States.

SEC. 2. Any corporation, person, or firm engaged in the business of manufacturing, mining, operating or constructing railroads, or in any other business or enterprise of whatsoever kind in this State, who, by themselves or agent, shall issue or circulate, in payment for wages, any order, check, memorandum, token, or evidence of indebtedness, not redeemable, as required by the first section of this Act, or shall fail to redeem the same in lawful money of the United States on demand, when presented for payment, at the store, office, or other place of business where the said order, check, memorandum, token, or evidence of indebtedness was issued, or who shall compel or attempt to coerce any employé of any such corporation, person, or firm to purchase or receive goods, wares, merchandise, or supplies from any person, firm, or corporation, in exchange for any order, check, memorandum, token, or other evidence of indebtedness, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined in any sum not exceeding three hundred (300) dollars, or be imprisoned in the county jail not less than thirty days nor more than sixty days, or be both fined and imprisoned.

SEC. 3. Whenever the owner or lawful holder thereof is compelled to sue for the recovery of the face value of any check, memorandum, token, or other evidence of indebtedness, issued or circulated for the payment of wages, by reason of the failure or refusal of any person, corporation, or firm issuing the same to pay the same on demand, as provided by the first section of this Act, then in such case, if judgment shall be rendered in favor of the plaintiff, the Court shall allow the plaintiff an attorney's fee of not less than ten (10) nor more than twenty-five (25) dollars, to be taxed as costs.

SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 5. This Act shall take effect from and after the date of its passage; but it shall not be construed as affecting any bona fide contract heretofore entered into contrary to its provisions and existing at the date of the passage hereof.

No. 10.

An Act to Provide for the Branding of All Articles Manufactured in Prisons.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All articles manufactured in any penitentiary, prison, house of correction, or other place of confinement for the punishment of crime, in this State, must be branded, or (if said articles be of such a character that they cannot be branded) marked or tagged, in such a manner that said brand, mark, or tag shall clearly indicate that said articles so branded, marked, or tagged were manufactured in a penitentiary, prison, house of correction, or other place of confinement for the punishment of crime.

SEC. 2. Any person who shall willfully, for the purpose of sale, remove, destroy, obliterate, or deface any brand, mark, or tag provided for in the first section of this Act, after such brand, mark, or tag has been branded upon, imprinted upon, or affixed to said articles, shall be guilty of a misdemeanor; and upon conviction thereof be punishable by a fine not to exceed two hundred (200) dollars, or imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment.

SEC. 3. This Act shall take effect immediately.

No. 11.

An Act to Provide for the Remission of Costs in Justices' Courts in Actions to Recover for Personal Services.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In any action brought in the court of any Justice of the Peace of this State, to recover money due for work done or services rendered, it shall be the duty of the Justice of Peace before whom the action is brought, upon receiving from the Commissioner of Labor a written recommendation thereunto, to remit to the plaintiff all his costs.

SEC. 2. This Act shall take effect immediately.

No. 12.

An Act to Prevent Collusion between Employers of Labor and Employment Agents.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for any merchant, manufacturer, contractor, superintendent, foreman, overseer, steward, chief cook, or other employé or employer of labor, to be directly or indirectly interested in any fee, commission, money, token, or other thing of value

charged or received by any employment agent for assisting any applicant for employment to secure employment; or for any merchant, manufacturer, contractor, superintendent, foreman, overseer, steward, chief cook, or other employé or employer of labor, to collude or agree in any manner with any employment agent for the purpose of receiving any part of the fee or commission paid to any employment agent by any applicant for employment.

SEC. 2. Any person, firm, corporation, or association violating any of the provisions of this Act shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined not more than two hundred (200) dollars nor less than fifty (50) dollars, or be imprisoned in the county jail not more than thirty (30) days, or be both fined and imprisoned.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect immediately.

No. 13.

An Act to Provide for the Employment of Citizens of the United States upon Public Works within this State.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person not a citizen of the United States shall be employed upon or in connection with any public works under the control of or conducted by this State, or any municipal corporation within this State, and a stipulation to that effect must be made a part of all contracts to which the State, or any municipal corporation therein, is a party.

SEC. 2. This Act shall take effect immediately.

No. 14.

An Act to Provide for a Lunch Hour for Employees.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person, co-partnership, or corporation employing five (5) or more persons shall designate a period of time during each working day for the mid-day meal of each of their employés, and shall allow each and every employé not less than forty-five (45) minutes for such meal; *provided, however,* that this section shall not be construed to apply to employers who furnish, or to employés who take, the said mid-day meals in and upon the premises where the employé works.

SEC. 2. Every person violating the provisions of this Act shall be guilty of a misdemeanor; and upon conviction thereof shall be punished by a fine not to exceed fifty (50) dollars, or imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment.

SEC. 3. This Act shall take effect and be in full force immediately on and after its approval.

An Act to Provide for the Protection of Life and Property Against Insecure Steam Boilers, and for the Establishment of a System of Inspection of Steam Boilers, and for Licensing Engineers and Boiler Attendants.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That there shall be organized and established, within thirty (30) days after this Act shall take effect, in and for this State, a Board of Steam Boiler Inspectors, who shall be citizens of the United States and not less than thirty years old—one Chief Inspector and one assistant inspector for each two adjoining Congressional districts of this State—to be appointed in the manner and for the terms hereinafter provided, whose duties, besides those hereinafter especially provided for, shall be to thoroughly inspect and pass upon the condition and efficiency of all steam boilers used in the State, except locomotive boilers belonging to railroad companies, boilers coming under the inspection laws of the United States, and boilers used exclusively for domestic purposes in private houses, to be particularly designated by said Board.

SEC. 2. Within twenty (20) days after this Act shall take effect, the Governor of this State shall appoint the Chief Inspector, who shall be a practical boiler-maker of at least fifteen (15) years' experience as such, a union man, and who shall be competent to examine and determine the strength and quality of all kinds of steam boilers, and to examine and determine the competency of engineers to manage and control steam generators, and to examine and determine the design, material, construction, and safe-working pressure of steam-generating apparatus. The Chief Inspector shall, within ten (10) days after his appointment, file his acceptance with the Secretary of State, and at the same time he shall file with said Secretary his bond, with two or more sufficient sureties, to be approved by said Secretary, conditioned for the faithful discharge of his official duties, in the penal sum of twenty-five hundred (2,500) dollars. And thereupon the Secretary of State shall issue to him his commission. The first appointee to the office of Chief Inspector shall hold his office until the first day of January, eighteen hundred and ninety-nine, and until his successor shall be appointed and qualified; and on the first day of January, eighteen hundred and ninety-nine, and biennially thereafter, or within ten (10) days after said respective dates, the Governor shall appoint his successor. The Chief Inspector shall receive an annual salary of twenty-five hundred (2,500) dollars, to be paid out of the State Treasury in the same manner as State officials are paid.

SEC. 3. A suitable room or rooms, and all necessary instruments, books, blanks, stationery, and other property, and necessary assistants, shall be provided for by the State, for the Chief Inspector, in San Francisco, to be paid by the State Treasurer in the usual manner.

SEC. 4. Within forty (40) days after this Act shall take effect, the Governor shall appoint four (4) assistant inspectors, of like qualifications required of the Chief Inspector, but of ten or more years' experience as boiler-makers; all of whom, as well as the Chief Inspector, shall

be citizens and electors of this State. And such assistants shall be elected, as far as possible, from the districts over which they respectively operate. Their appointments shall be for the same term, and shall be made after the first appointment, and within twenty (20) days after qualification of the Chief Inspector, on the nomination and recommendation of the newly appointed Chief Inspector. But any assistant inspector may be removed at any time, for incompetency or other valid cause, by the Governor, on recommendation of the Chief Inspector; and each assistant inspector shall receive an annual salary of fifteen hundred (1,500) dollars, payable in monthly installments out of the State Treasury, in the manner provided for the payment of salaries of State officers; and each member of said Board shall receive monthly, in addition to his salary, from like source, his actual expenses incurred in the performance of his official duties, to be allowed and paid in the manner provided by law for proof, allowance, and payment of other State officials. Each assistant inspector, before entering upon the duties of his office and within ten (10) days after his appointment, shall file with the Secretary of State his acceptance and oath of office, and a bond in the penal sum of twenty-five hundred (2,500) dollars, with two or more sufficient sureties, to be approved by the Secretary of State, conditioned for the faithful discharge of the duties of his office, and to account for and pay over to the Chief Inspector, on the first day of each month, or within ten (10) days thereafter, all money received by him for the State, under the provisions of this Act.

SEC. 5. All clerks and other assistants than those specified as members of said Board, shall be appointed by the Chief Inspector, and confirmed by the Governor, and shall be removed in like manner; and shall receive such compensation as shall hereafter be fixed and determined for each person or persons appointed, such compensation to be audited by the Controller in the usual manner. And the Board of Steam Boiler Inspectors shall make, alter, and amend such rules and regulations for the management and dispatch of the business and duties of the Board of Inspectors as they shall deem expedient, and as shall in nowise be in conflict with the provisions of this Act or any other law of this State.

SEC. 6. This State shall be divided into four (4) steam boiler districts by the Board of Steam Boiler Inspectors, within sixty (60) days after the organization of said Board, and such districts may be changed at any time by the joint action of said Board; such divisions to be made and maintained, as far as possible, so as to cover the work to be done by the inspectors equally among them; and there shall be one (1) assistant assigned for each district, who shall be a resident thereof. If, at the first appointment of assistants, any district shall be without a resident assistant, the Chief Inspector shall designate one of the inspectors therefor, who shall remove into and reside in such district; or, if he fails to do so within ten (10) days after such designation, his office shall be deemed vacant and an assistant inspector appointed who is a resident in such district, if a qualified person can be found resident in said district; otherwise, one residing in some other district, who, before entering on the duties of his office, shall remove into and become a resident in such district. The Chief Inspector shall keep and file all reports of the assistant inspectors, and shall keep a record of all boilers inspected, time of inspection, location thereof, repairs ordered thereon,

boilers condemned as unsafe, accidents to boilers, either from explosion of shell, rupture or collapse of flues or tubes, and a correct record of all moneys collected by such assistant inspector in fees, and from whom and for what work received. He shall receive from assistant inspectors, who shall pay to him in accordance with the conditions of their respective bonds, all fees for work done by the assistant inspector, and pay the same forthwith to the State Treasurer, taking his receipt therefor, and keep a correct record of such receipts and payments.

SEC. 7. Each assistant inspector shall make a thorough list, and preserve and keep complete the same, of all boilers coming, or which should come, under his inspection; and he shall make a thorough examination and test of all such boilers and of classified water-heaters subject to the action of fire and waste gases, of all closed vessels into which steam is admitted, and of all boilers within this Act, of whatever kind, which are used for heating churches, schools, hospitals, hotels, and other buildings of a public character where the public from time to time pass, enter, congregate, or assemble; such examination and test to be made at least once in every year and whenever directed by the Chief Inspector, or when deemed necessary by the assistant inspector, on complaint of ten or more persons, in writing, that any such boiler, etc., is unsafe. The assistant inspector shall, at his option, apply the hammer or hydrostatic test, and if the hammer test is given the examination and test shall be thorough and searching on every part of the boiler externally, and internally when possible. The hydrostatic test shall be one fourth more than the pressure allowed, but in no case shall a greater pressure be allowed than the United States standard pressure. Examination to be thorough, and shall, as far as possible, be regulated by rules of the Board at regular intervals, for each kind and quality of boilers, and shall be made without haste, interruption, or interference by interested persons. It shall be an eye, hand, and light hammer test of every plate, stay, brace, tube, and rivet possible, and of fittings, appliances, construction, material, settings, and surroundings, so as to fully determine the condition of the generator and all of its affected parts.

SEC. 8. It shall be the duty of each person, firm, and corporation in this State, or who shall be operating or using any boiler or steam generator in this State, which comes within the provisions of this Act or within the province of said Board, when called to their attention and notice, and within thirty (30) days after the organization of said Board or notice of said designation, and immediately upon procuring for use any such boiler or steam generator, to report the same to the inspector of the district within which such boiler or steam generator is in use or is to be used, and if in use or to be used in more than one (1) of said districts, then to the assistant inspector of each district in which used or to be used; and within the same time, such persons, firm, or corporation shall make a like report to the Chief Inspector, and shall not use or allow to be used any side boiler or steam generator which has not been duly inspected and approved under the provisions of this Act, until the same is duly approved. Any person, firm, or corporation who shall violate any provision of this section shall be liable to the people of this State in an action of debt or assumpsit for a penalty of one hundred (100) dollars, to be sued for before any court of competent jurisdiction and collected in the same manner as private claims; and any engineer, manager, steward, or employé of any such person, firm, or

corporation, who shall use or operate any such uninspected or any condemned steam boiler or generator, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred (100) nor more than two hundred and fifty (250) dollars, or by imprisonment in the county jail for a period of not exceeding ninety (90) days, or by both such fine and imprisonment, in the discretion of the Court; and in case the Court shall impose both a fine and imprisonment, that sentence may be for such term of imprisonment first, and the payment of the fine on the expiration thereof; and that the offender, in default of such fine, shall remain imprisoned in the county jail until the payment of such fine, for the further term of not exceeding ninety (90) days.

SEC. 9. The fees for examination, inspection, and test to be collected by the assistant inspectors from the owners or users of any boiler or steam generator inspected under this Act shall be as follows:

For each fifteen horse-power and under, four dollars.

For each fifteen to thirty horse-power, five dollars.

For each thirty to forty-five horse-power, six dollars.

For each forty-five horse-power and over, seven dollars.

For two or more boilers in batteries, at one inspection, four dollars each.

For certificates of license to engineers or boiler attendants, one dollar.

No inspected boiler or steam generator shall be used until after such fees are fully paid, and no engineer or boiler attendant shall use the same until he obtains such a certificate after examination, under like penalty, by suit, fine, and imprisonment, as is presented in section eight of this Act. Hydrostatic tests shall be applied to all boilers; but no test shall supersede the actual, full examination by other means presented; and when a hydrostatic test is applied, it shall be with water warmed almost to the boiling-point. All boilers and steam generators ordered to be repaired, and repaired, shall be examined before use. The assistant inspector may approve, order repaired, or condemn any boiler or steam generator examined by him; and no such boiler or generator shall be used after such examination until a certificate is issued to the user or owner thereof, by the examining inspector, and paid for, under a like penalty as is provided for in section eight of this Act. If, on inspection, any boiler or generator shall pass favorable inspection, it shall be the duty of the assistant inspector to issue his certificate thereof, on payment of the inspection fee, which certificate shall be good for one (1) year, or until another actual examination is had in accordance with the provisions of this Act. The assistant inspector shall file a duplicate of each certificate and order for repairs or condemnation, with the Chief Inspector, and give to each owner or user an order for repairs when and wherein deemed necessary; and in case of condemnation, a written notice thereof. And in case the owner or user of any apparatus so condemned or ordered repaired shall neglect or refuse to pay the inspection fee, the State shall have a lien on said apparatus therefor, and the assistant inspector shall make requisition upon the Sheriff of the county in which said boiler or apparatus is located, and said Sheriff shall proceed against said owner or owners or property in the usual manner for the collection of taxes or other moneys due the State or counties; and when the said Sheriff shall have collected the inspector's fees he shall make return of same to said inspector, taking his receipt therefor. And

the assistant inspector shall give to the purchaser or purchasers at said sale a certificate thereof, subscribed by him officially, which shall have full effect to convey to the purchaser all title of the owner of such apparatus, whoever he may be.

SEC. 10. If any engineer, or person managing and using any steam boiler or generator coming within the provisions of this Act, shall carelessly, negligently, or willfully endanger the life of any person by permitting the water used in such boiler or generator, when in use, to fall, or remain, or stand below the flues or crown sheets thereof, or otherwise neglect his duties so as to endanger life, limb, or property thereby, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred (100) dollars nor more than two hundred and fifty (250) dollars, or by imprisonment in the State penitentiary for a period of not exceeding one (1) year, or by both such fine and imprisonment in the county jail for not exceeding one (1) year. And if any inspector provided for by this Act shall directly or indirectly omit any duty to be performed by him, or take or receive from any person any money or other valuable article or thing, except the fees provided for by this Act, for the purpose of defrauding any person or relieving any person from the performance of his duty under this Act, or for the purpose of granting or withholding any examination or any certificate, order, or notice, or if he shall willfully make a false or fraudulent report, certificate, order, or notice, he shall be deemed guilty of a misdemeanor, and be punished therefor as in this section hereinbefore provided.

SEC. 11. Each assistant inspector shall keep a full record of all matters coming under his inspection, in such manner as shall be provided for by the Board, and shall attend each meeting of said Board. The regular meetings of the Board of Steam Boiler Inspectors shall be held at the office of the Chief Inspector, in January and July of each year, at such date or dates as shall be fixed by the Chief Inspector, in December of each preceding year, a notice of which shall be duly given to each assistant inspector when appointed, and at least ten (10) days before such meeting. All complaints against assistant inspectors regarding the non-performance of their duties, or otherwise, shall be made to the Chief Inspector, who shall report the same forthwith to the Governor, if of a serious nature; *provided*, that nothing herein shall be deemed to prevent the commercial proceeding against such inspector, prior to such notice.

SEC. 12. No person shall take or retain charge of any such steam boilers or generators for the purpose of operating the same, either as engineer or attendant, after the lapse of sixty (60) days after this Board shall be organized, unless he has been examined by the assistant inspector of the boiler district in which he operates or intends to operate, as to his qualification to use, manage, and control any such boiler or generator. Each applicant for an engineer's or boiler-tender's license must be twenty-one (21) years of age and a citizen of the United States, and must have had an actual recent experience of at least one (1) year as engineer or attendant, or as an assistant, and must state his experience, in writing, on a blank furnished and presented by the Board. The applicants must be favorably recommended by at least two (2) citizens of the State, one or more of whom shall be an engineer or steam-user of known experience, who shall take oath

that they have heard read the said application and believe the statements of the applicant therein to be true. The assistant inspector shall have power to administer the oath to such persons and to the applicant for the position, orally examining him as to his experience and qualifications, and may so examine him, taking and preserving a minute thereof, a copy of which, with a copy of said application, shall be sent to the Chief Inspector. If the applicant passes a satisfactory examination, the assistant inspector shall issue to him a certificate thereof, specifying the kind of boiler or apparatus he is licensed to operate and use, and such license shall not apply to the use of any kind requiring higher qualification. If the assistant inspector refuses to grant such license, the applicant may appeal to the Chief Inspector, whose decision shall be final. And in all cases where the license is granted by an assistant, after a full report thereof and the examination of the applicant, if the Chief Inspector becomes satisfied that the license was wrongfully or imprudently granted, he may revoke the same. And any license may be revoked by the inspector who granted the same for good cause shown, and if revoked by an assistant, a like appeal may be taken as aforesaid. Each assistant inspector shall file with the clerk of each county which, or part of which, is included in his boiler district, the name of each licensed applicant, and of each rejected applicant, forthwith, and in case of granting or revoking a license theretofore refused or granted, the assistant inspector, on notice thereof, shall forthwith file a report thereof with such County Clerk, who shall keep a record of all such reports. The Board may more fully prescribe rules and regulations for examinations of such applicants, and for all forms to be used therein, not inconsistent with the provisions of this Act. All such licenses shall expire at the end of one (1) year after being granted, unless renewed, for which renewal a fee of fifty (50) cents shall be paid. Every licensed engineer or attendant shall notify the assistant inspector of his boiler district, whenever he accepts employment, of the location and kind of boiler used, the name of his employer, the term of service agreed upon, and, when he ceases employment, the time employed; and for failure to make such report forthwith, his license may be revoked, subject to appeal as aforesaid. Each licensed engineer and attendant shall also report to the assistant inspector, within the first ten (10) days of January and July, the condition of the boiler or generator, pumps, and connections under his charge, under like penalty of forfeiting his license not so to do. Such report to be made on blanks to be provided by the assistant inspector from the Board.

SEC. 13. It shall be unlawful for any inspector to grant any false certificate or report, or for any person to alter the number or index of any inspected boiler, or to make any alteration or change in any registered boiler, which will affect its condition as to safety or use, without notice to and consent of the assistant inspector; or, without such consent in writing, to remove any stationary boiler out of any building or inclosure where the same is recorded to be; and any registered boiler the number or index of which is altered, or any registered boiler which is so altered or recorded, shall not again be used until reexamined and tested, under the penalty prescribed in section eight of this Act.

SEC. 14. No person directly or indirectly interested in any patented article required to be used in any steam apparatus coming under the provisions of this Act, or who is a member of any firm or corporation

manufacturing the same, or who is pecuniarily interested in the manufacture or use of the same in any way, or who does not possess the necessary qualifications prescribed by this Act or the rules of said Board, or who is intemperate in the use of intoxicants, shall be eligible to any office of chief or assistant inspector.

SEC. 15. Every boiler or steam generator owner coming within the provisions of said Board shall procure each apparatus belonging to him and used by him to be registered with the assistant inspector of his district, or of the several districts through which he operates, and shall procure, from the one first registered with, an index number of each apparatus, which number he shall permanently affix to such apparatus, in a conspicuous place thereon, at or near the firing end thereof; and until indexed, such apparatus shall not be used, under penalty prescribed in section eight of this Act. Each steam boiler coming under the provisions of this Act shall, under like penalty, as affirmed, be provided with two (2) independent feeds, each of which can furnish all necessary water for the boiler, and with safety (lever type), area to be one square inch to each two (2) feet square of grate, or one square inch to each three (3) square feet of grate in pop or spring type; and shall have a fusible plug inserted, or similar safe appliance satisfactory to inspector. All second-hand boilers before being sold or used after removed from such prior use, or used, must be examined and tested.

SEC. 16. Any person who shall load, or cause to be loaded or obstructed in any way, the safety-valve of any boiler or steam generator, or who may employ any means or device whereby the boiler may be subjected to greater pressure than is allowed by the inspector in his certificate of inspection, or intentionally damages or hinders the operation of any machinery device employed to denote the status of water or steam in any boiler or steam generator or gives warning of danger, or who permits the water to fall below the prescribed low-water line of the boiler or steam generator, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars, or by imprisonment in any State Prison or in the county jail not more than one (1) year, or by both such fine and imprisonment, in the discretion of the Court.

SEC. 17. The certificate of inspection of any boiler or steam generator shall be posted or hung up, and kept posted and hung up, in the room or place where such boiler or steam generator is used, in a conspicuous place; and every licensed engineer or attendant shall, on demand of any person, show such license, under penalty of the revocation of either said certificate or license.

SEC. 18. This Act shall take effect immediately.

No. 16.

An Act Providing for the Payment of Employes upon Discharge or Resignation from Service.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any employé who shall be discharged from or who shall voluntarily leave the service of any person, firm, or corporation, shall be entitled, forthwith, to pay for service rendered which may at the time remain unpaid, and the said employé, upon demand, shall receive such pay; and any person, firm, or corporation who shall, after the said demand shall have been made, refuse the said employé the pay to which he or she may be entitled, such person, firm, or corporation shall be liable to such employé, in addition to the wages due, in a sum equivalent to the amount which the said employé would have earned in case he or she had continued in the employ of the said person, firm, or corporation, from the date of his or her resignation or discharge up to and including the date of settlement by the said person, firm, or corporation with the said employé; *provided, however,* that this Act shall not be construed to mean that an employé who shall have violated the terms of his or her contract with the said person, firm, or corporation, shall be a beneficiary under its provisions.

SEC. 2. This Act shall take effect immediately.

No. 17.

An Act to Prevent the Blacklisting of Employes.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every corporation, firm, or person who shall, in this State, send or deliver, or who shall make or cause to be made, for the purpose of being delivered or sent, or who shall part with the possession of any paper, letter, or writing, with or without a name signed thereto, or signed with a fictitious name, or with any letter, mark, or other designation, or who shall publish or cause to be published any false statement, for the purpose of preventing any person from obtaining employment in this State or elsewhere, and every corporation, firm, or person who shall "blacklist" or cause to be "blacklisted" any person or persons, by writing, printing, or publishing the name of any person or persons, or any mark or designation representing the name of any person, in any paper, pamphlet, circular, or book, or causing the same to be done, together with any false statement concerning said person or persons so named or designated, or who shall publish that any person is a member of any secret organization, for the purpose of preventing said person or persons from securing employment or for the purpose of causing the discharge from employment of any person or persons employed by any company, corporation, individual, individuals, or firm, shall, on conviction, be deemed guilty of a misdemeanor, and punished

by a fine not less than one hundred (100) dollars, and not exceeding five hundred (500) dollars, or by imprisonment in the county jail not less than two (2) months and not greater than six (6) months, or by both such fine and imprisonment.

SEC. 2. This Act shall take effect immediately.

No. 18.

An Act to Provide for Costs in Actions for the Price of Labor or Services.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. If any person, partnership, or corporation, having employed any person to perform any labor or render any services, shall neglect or refuse to pay the agreed price for such services or labor, if the price thereof has been agreed upon, or the reasonable value thereof, if the price has not been agreed upon, for thirty (30) days after the same becomes due, and payment has been demanded, and the same shall be recovered by action, there shall be allowed and taxed for the plaintiff and included in the judgment, in addition to his disbursements as now allowed by law, five (5) dollars costs; if the judgment be recovered in a Justice's or a municipal court; and double the costs heretofore provided by law, if the judgment be recovered in a Superior Court or the Supreme Court of this State.

SEC. 2. This Act shall take effect immediately.

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