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INTERSTATE COMMERCE COMMISSION

HOURS OF SERVICE OF
RAILWAY EMPLOYEES

STATE STATUTES AND
RELATED COURT DECISIONS

FEBRUARY, 1909



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STATUTES OF THE SEVERAL STATES RELATING TO HOURS OF SERVICE OF RAILWAY EMPLOYEES.

ARIZONA.

[Arizona Laws 1903, p. 53.]

ACT No. 34.—SECTION 1. No company operating a railroad in whole or in part within the Territory of Arizona shall require any conductor, engineer, fireman, brakeman, telegraph operator, or any employee who has worked in his respective capacity for sixteen consecutive hours, except in case of casualty or actual necessity, to again go on duty, or perform any work until he has at least nine hours' rest.

SEC. 2. Any company which violates or permits to be violated any of the provisions of the preceding section, or any officer or agent of such company who violates or permits to be violated any of the provisions of the preceding section shall be punished by a fine of not less than \$50 nor more than \$300 for each and every violation thereof.

ARKANSAS.

[Acts of Arkansas, 1907, p. 656, act 282.]

SECTION 1. That it shall be unlawful for any person, corporation, association, their agents or officials operating a railroad within this State to permit any telegraph or telephone operator who is engaged in the handling of trains by the use of the telegraph or telephone, reporting trains to each other and to the train dispatcher registering the same, and operating one or more train-order signals, telegraph or telephone levermen who manipulate lever machines in railroad yards, or on the main tracks out of the line, connecting sidetracks or switches or train dispatchers in its service whose duties pertain to the movement of cars, engines, or trains on its railroad by the use of the telegraph or telephone in dispatching or reporting trains, or receiving or transmitting train orders or messages directing the movement of trains as interpreted in this section, to be on duty for more than eight hours in any twenty-four consecutive hours.

SEC. 2. And be it enacted that any person, corporation, association, their agents or officials that shall violate section 1 of this act shall pay a fine of \$500 for each violation of this act.

SEC. 3. And be it enacted that the fine mentioned in section 2 of this Act shall be recovered by an action in the name of the State of Arkansas for the use of the State, who shall sue for it against such person, corporation, association, agent or official violating this act, said suit to be instituted in any court in this State having appropriate jurisdiction.

SEC. 4. And be it enacted that the said fine, when recovered, shall be paid without any deduction whatever to the State of Arkansas, for whose use the suit was instituted.

SEC. 5. That all laws and parts of laws in conflict herewith be, and the same are hereby, repealed; and this act shall take effect and be in force thirty (days) after its passage.

Approved May 8, 1907.

[Digest of statutes, 1904, p. 1381.]

SEC. 6652. Any person or company owning or operating a railroad over 30 miles in length, in whole or in part within this State, shall not permit or require any conductor, engineer, fireman, brakeman, or any trainman on any train, or any telegraph operator who has worked in his respective capacity for sixteen consecutive hours, to again be required to go on duty or perform any work until he has had at least eight hours' rest, except in cases of wrecks or washout: *Provided*, That at the expiration of the said sixteen hours' continuous service, the engineer and trainmen on any train, being at a distance not exceeding 25 miles from any division terminal or destination point, shall be permitted, if they so elect, to run said train into said division terminal or destination point; it being further provided that the additional service permitted under this section shall not be so construed as to relieve any railway corporation from liabilities incurred under section 6654: *And provided further*, That the provision of this act shall not apply to passenger trains.

SEC. 6653. Any railroad company or corporation knowingly violating any of the provisions of this act shall be liable to a penalty of not less than \$100 nor more than \$200 for the first offense; for any subsequent offense, of not less than \$200 nor more than \$300, which shall be recovered in a civil action in the name of the State.

SEC. 6654. In addition to the penalty prescribed herein, any corporation violating the provisions of this act shall not be permitted to interpose the defense of contributory negligence in the event of action being brought to recover for damages resulting from any accident which shall occur and by which injury shall be inflicted on any employee who may be detained in service more than said sixteen

hours, notwithstanding negligence of said injured employee may have caused his own injury or death; nor shall said defense of contributory negligence be interposed if the said injury result in the death of said employee and the action is brought for the benefit of his next of kin.

Approved April 14, 1903.

COLORADO.

[Colorado Annotated Statutes, vol. 3, 1891-1905, p. 1007.]

3751a. Hours of employment of trainmen. That no company operating a railroad, in whole or in part, within this State, shall permit or require any conductor, engineer, fireman, brakeman, telegraph operator, or any trainman who has worked in his respective capacity for eighteen consecutive hours, except in case of casualty, to again go on duty or perform any work until he has had at least eight hours' rest. (L. 1891, p. 284, sec. 1.)

3751b. Violation—penalty. Any company which violates or permits to be violated any of the provisions of the preceding section, or any officer, agent, or employee who violates or permits to be violated any of the provisions of the preceding section, shall be fined not less than \$100, nor more than \$300, for each and every violation of this act. (L. 1891, p. 284, sec. 2.)

CONNECTICUT.

[Public Acts, January session, 1907, p. 851, 852, ch. 242.]

SECTION 1. It shall be unlawful for any person, persons, corporation, or receiver operating a line of railroad wholly or partly within this State, or any officer, agent, or representative of such corporation or receiver, to require or permit any telegraph or telephone operator, who spaces trains by the use of the telegraph or telephone, under what is known and termed the "block system," defined as follows: Reporting trains to another office or officers, or to a train dispatcher operating one or more trains under signals, and telegraph or telephone lever men, who manipulate interlocking machines in railroad yards or on main tracks out on the lines connecting side tracks or switches, or train dispatchers in its service, whose duties substantially, as hereinbefore set forth, pertain to the movement of cars, engines, or trains on its railroad by the use of the telegraph or telephone in dispatching or reporting trains or receiving or transmitting train orders, as interpreted in this section, to be on duty for more than eight hours in a day of twenty-four hours; and it is hereby declared that eight hours shall constitute a day of employment for all laborers or employees

engaged in the kind of labor aforesaid: *Provided*, That at stations that are kept open only during the daytime, where only one telegraph or telephone operator is employed, such operator may work twelve hours in a day of twenty-four hours; and that the hours of service of telegraph or telephone operators, as interpreted in this section, shall be consecutive, including one meal hour: *And provided, further*, That in case of sickness, death, wrecks, or washouts, telegraph or telephone operators may be held on duty not to exceed sixteen hours in a day of twenty-four hours.

SEC. 2. Any person or persons, company, or corporation, who shall violate any of the provisions of the preceding section shall, on conviction, be fined not more than \$1,000.

SEC. 3. This act shall take effect January 1, 1908.

Approved July 27, 1907.

DISTRICT OF COLUMBIA.

[Public, No. 274.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this act shall apply to any common carrier, or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad in the District of Columbia or any Territory of the United States or from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country or from any place in the United States through a foreign country to any other place in the United States. The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "employees" as used in this act shall be held to mean persons actually engaged in or connected with the movement of any train.

SEC. 2. That it shall be unlawful for any common carrier, its officers, or agents, subject to this act to require or permit any employee subject to this act to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period shall be required or permitted to con-

continue or again go on duty without having had at least eight consecutive hours off duty: *Provided*, That no operator, train dispatcher, or other employee, who by the use of the telegraph or telephone dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than thirteen hours in all towers, offices, places, and stations operated only during the daytime, except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period or not exceeding three days in any week: *Provided further*, The Interstate Commerce Commission may after full hearing in a particular case and for good cause shown extend the period within which a common carrier shall comply with the provisions of this proviso as to such case.

SEC. 3. That any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of the second section hereof, shall be liable to a penalty of not to exceed \$500 for each and every violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon satisfactory information being lodged with him; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violation as may come to its knowledge. In all prosecutions under this act the common carrier shall be deemed to have had knowledge of all acts of all its officers and agents: *Provided*, That the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen: *Provided further*, That the provisions of the act shall not apply to the crews of wrecking or relief trains.

SEC. 4. It shall be the duty of the Interstate Commerce Commission to execute and enforce the provisions of this act, and all powers granted to the Interstate Commerce Commission are hereby extended to it in the execution of this act.

SEC. 5. That this act shall take effect and be in force one year after its passage.

Approved March 4, 1907.

FLORIDA.

[Laws of Florida, 1891-1893, p. 135, ch. 4199 (No. 85). General Statutes 1906, p. 1112, sec. 2843.]

SECTION 1. That from and after the passage of this act it shall be unlawful for any railroad doing business in this State to require or permit its employees, who are engaged in the business of operating its trains over its roads, to make runs of over thirteen hours, or make runs aggregating more than thirteen hours in any twenty-four hours, except when such train is detained by reason of casualty or other cause from reaching its destination on schedule time, and no conductors and engineers, after having been on a run or runs for as much as thirteen hours out of every twenty-four hours shall be required to again go on duty until after eight hours' rest, except in the case above stated. No employee of any railroad company shall be deprived of his right to recover damages for personal injury by reason of the fact that he, at the time of such injury, was making a run of more than thirteen hours or making a run aggregating more than thirteen hours in twenty-four hours, or had gone on duty after a thirteen hours' run, or runs aggregating thirteen hours before eight hours' rest.

SEC. 2. That any railroad violating any of the provisions of section 1 of this act shall be subject to a forfeiture of not less than \$50 nor more than \$500; all forfeitures collected under the provisions of this act shall be paid into the state treasury to the credit of the school fund.

SEC. 3. That suits for the collection of forfeitures under the provision of this act shall be brought in the county in which the principal office of the railroad employing trainmen offending is situated, or if such company shall have no principal office in this State, then such suit may be brought in any county in which such company has a track and an agent.

SEC. 4. That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

Approved May 22, 1893.

GEORGIA.

[Code of 1895.]

SEC. 2240. No railroad doing business in this State shall require or permit its employees who are engaged in the business of operating its trains over its roads to make runs of over thirteen hours, or make runs aggregating more than thirteen hours in any twenty-four hours, except when such train is detained by reason of casualty, or other

cause, from reaching its destination on schedule time, and no train man, after having been on a run or runs for as much as thirteen hours out of the twenty-four hours, shall be required to again go on duty until after ten hours' rest, except in the case above stated. No employee of any railroad company shall be deprived of his right to recover damages for personal injury by reason of the fact that he, at the time of such injury, was making a run of more than thirteen hours, or making a run aggregating more than thirteen hours in twenty-four hours, or had gone on duty after a thirteen-hours' run, or runs aggregating thirteen hours, before ten hours' rest.

SEC. 2241. Any railroad violating any of the provisions of the preceding section shall be subject to a forfeiture of not less than \$50 nor more than \$500; all forfeitures collected shall be paid into the State Treasury to the credit of the school fund.

SEC. 2242. Suits for the collection of forfeitures, under the provisions of the preceding sections, shall be brought in the county in which the principal office of the railroad employing the trainmen offending is situated; or if such company shall have no principal office in this State, then such suit may be brought in any county in which such company has a track and an agent.

INDIANA.

[Acts of 1907, p. 215, ch. 131, Burns's Annotated Statutes, 1908, vol. 2, p. 676.]

SECTION 1. *Be it enacted by the general assembly of the State of Indiana,* That it shall be unlawful for any superintendent, train dispatcher, yardmaster, foreman, or other railway official, to permit, exact, demand or require any engineer, fireman, conductor, brakeman, switchman, telegraph operator, or other employee engaged in the movement of passenger or freight trains, or in switching service, in yards or railway stations, to remain on duty more than sixteen consecutive hours except when by casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip, he is prevented from reaching his terminal, or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least eight hours off duty, or to require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period, to continue on duty or go on duty without having had at least eight hours off duty within such twenty-four-hour period.

SEC. 2. For any violation of or failure to comply with any of the provisions of this act, such company shall be liable to all persons and employees injured by reason thereof, and no employee shall in any

case be held to have assumed the risk incurred by reason of such violation or failure.

SEC. 3. Any superintendent, train dispatcher, train master, foreman, or other official of any railway in the State of Indiana violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500, and it shall be the duty of the railroad commission to fully investigate all cases of the violation of this act and to lodge with the attorney-general information of such violation as may come to its knowledge.

SEC. 4. The provisions of this act shall not apply to relief or wreck trains while clearing obstructions to the main line of any railroad.

SEC. 5. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 8, 1907.

IOWA.

[Laws of Iowa, 32 G. A., 1907, p. 106, ch. 103.]

SECTION 1. It shall be unlawful for any railway company within the State of Iowa, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any rolling stock, engine, or train to remain on duty more than sixteen consecutive hours, or to require or permit any such employee who has been on duty sixteen consecutive hours to perform any further service without having had at least ten hours for rest, or to require or permit any such employee to be on duty at any time to exceed sixteen hours in any consecutive twenty-four hours: *Provided, however,* That this section shall not apply to work performed in the protection of life or property in cases of accident, wreck, or other unavoidable casualty, or prevent train crews from taking a passenger train or freight train loaded exclusively with live stock or perishable freight to the next nearest division point upon such railroad: *And provided further,* That it shall not apply to that time necessary for the train men to reach a resting place when an accident, wreck, wash-out, snow blockade, or other unavoidable cause has delayed their train: *And provided further,* That this section shall not apply to employees of sleeping-car companies.

SEC. 2. Any superintendent, train master, train dispatcher, yardmaster, or other official of any railroad in the State of Iowa violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$100 and not more than \$500 for each offense. It shall be the duty of the board of railroad commissioners to receive written state-

ments of violations of this act, and when so requested to hold the same without disclosure of the name of the person making such statement, and to investigate each and every complaint filed alleging such violation. The board in making such investigation shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers, and must file a report of such investigation in writing, with a full statement of its finding, to the governor. In all cases of violation of this act, the board of railroad commissioners, through the attorney-general, must at once begin the prosecution of all parties against whom evidence of violation is found; but this act shall not be construed to prevent any other person from beginning prosecution for violation hereof.

Approved April 2, 1907.

KANSAS.

[Laws of 1907, p. 453, ch. 280.]

SECTION 1. That section 1 of chapter 342 of the session laws of 1905 be amended to read as follows: Section 1. It shall be unlawful for any corporation or receiver operating a line of railroads (railroad) in whole or in part in the State of Kansas for any officer, agent, or representative of such corporation or receiver, to require or permit any conductor, engineer, fireman, brakeman, train dispatcher, telegraph operator, or any train man who has worked in his respective capacity for sixteen consecutive hours, to continue on duty or perform any work for such railroad until he has had at least eight hours' rest: *Provided*, That this act shall not apply in case of washout, wrecks, or unavoidable blockades, nor shall it be construed to prevent the crew of a train which contains live stock or perishable freight in carload lots from running to the next division point after the expiration of the time limit provided for in this act: *Provided further*, That this section shall not apply to employees of sleeping-car companies, baggagemen, and express messengers.

SEC. 2. That section 2 of chapter 342 of the Session Laws of 1905 be amended to read as follows: Section 2. Any corporation or receiver operating a line of railroad, in whole or in part in this State, who shall knowingly violate any provisions of this act shall be liable to the State of Kansas for a penalty of not less than \$100 nor more than \$200 for each offense, and such penalties shall be recovered and suits thereof shall be brought in the name of the State of Kansas in a court of competent jurisdiction in any county in the State into or through which any such railroad may run by the attorney-general or under his direction, or by the prosecuting attorney of the proper county through or into or out of which trains may be operated by said com-

pany; and upon complaint being made to the commissioner of labor, he is hereby authorized to investigate such complaint, and shall be empowered to examine the train sheets, registers, and dispatchers' reports, and to hear such other evidence as may be offered by officers or employees of such railroad company to determine whether such complaint is well founded; and if the complaint appears to be well founded it shall be the duty of said commissioner of labor to file a complaint before the county attorney of the proper county through which said company may operate.

SEC. 3. Sections 1 and 2 of chapter 342 of the Session Laws of 1905 and all acts and parts of acts in conflict herewith be, and the same is hereby, repealed.

SEC. 4. This act shall take effect and be in force from and after its publication in the official statute book.

Approved March 9, 1907.

MARYLAND.

[Laws of 1906, p. 834, ch. 454.]

SEC. 300A. It shall be unlawful for any person, corporation, or association operating a railroad within this State to permit any telegraph or telephone operator who spaces trains, by the use of the telegraph or telephone, under what is known and termed "block system" (defined as follows): Reporting trains to another office or offices, and to the train dispatcher registering the same and operating one or more train-order signals, and telegraph or telephone levermen who manipulate interlocking machines in railroad yards or on main tracks out on the lines connecting side tracks or switches or train dispatchers in its service; whose duties substantially as hereinbefore set forth pertain to the movement of cars, engines, or trains on its railroad by the use of the telegraph or telephone in dispatching or reporting trains or receiving or transmitting train orders, as interpreted in this section, to be on duty for more than eight hours in any twenty-four consecutive hours.

SEC. 300B. Any person, corporation or association that shall violate section 300A of this act shall pay a fine of \$100 for each violation of this act.

SEC. 300C. The fine mentioned in section 300B of this act shall be recovered by an action of debt in the name of the State of Maryland for the use of the State, who shall sue for it against such person, corporation or association violating this act, said suit to be instituted in any court in this State having appropriate jurisdiction.

SEC. 300D. The said fine when recovered as aforesaid shall be paid without deduction whatever, one-half thereof to the informer, and

the balance thereof to be paid into the public school fund of the State of Maryland: *Provided*, That the provisions of this act shall not apply to any part of a railroad where not more than 8 regular passenger trains in twenty-four hours pass each way: *Provided, moreover*, that where 20 freight trains pass each way generally in each twenty-four hours then the provisions of this act shall apply, notwithstanding that there may pass a less number of passenger trains than hereinafter set forth, namely, 8.

MICHIGAN.

[Compiled Laws of 1897.]

SEC. 5458. No person, corporation, joint stock company, or association of individuals owning or operating a line of railroad in whole or in part within this State shall permit or require any conductor, engineer, fireman, brakeman, or any trainman who has worked in any capacity for twenty-four hours to again go on duty or perform any kind of work until he has had at least eight hours' rest.

SEC. 5459. Ten hours' labor performed within twelve consecutive hours shall constitute a day's labor in the operation of all steam, surface, and elevated railroads now owned and operated or hereafter owned and operated within this State: *Provided*, That this act shall not apply to regular scheduled trains when completed within a less number of hours: *Provided further*, That the provisions of this act shall not apply to extra hours of labor performed by any conductor, engineer, fireman, brakeman, or trainman in cases of unavoidable accident or delay caused by such accident.

SEC. 5460. Every hour in excess of ten hours' labor performed in any day by any conductor, engineer, fireman, brakeman, or any trainman of any railroad company, corporation, joint stock company, or association of individuals or persons owning or operating a railroad within this State, who works under the direction of a superior or at the request of such person, company, corporation, joint stock company, or association of individuals, and who shall be required or permitted to work shall be deemed one tenth of a day's labor, and such conductor, engineer, fireman, brakeman, or trainman shall receive pro rata compensation for said extra service in addition to his daily compensation.

SEC. 5461. Any person, agent, or employee of such person, railroad, company, corporation, joint stock company, or association of individuals violating the provisions of this act [secs. 5458-5461] shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than \$50 and not to exceed \$100, in the discretion of the court.

MINNESOTA.

[Laws of 1907, p. 344, ch. 253.]

SECTION 1. It shall be unlawful for any railroad company within the State of Minnesota, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any rolling stock, engine, or train to remain on duty more than sixteen consecutive hours, or to require or permit any such employee who has been on duty sixteen consecutive hours to perform any further service without having had at least eight hours' rest, or to require or permit any such employee to be on duty at any time to exceed sixteen hours in any consecutive twenty-four hours: *Provided, however,* That this section shall not apply to work performed in the protection of life or property in cases of accident, wreck, or other unavoidable casualty: *And provided further,* That it shall not apply to the time necessary for trainmen to reach a resting place when an accident, wreck, washout, snow blockade, or other unavoidable cause has delayed their train.

SEC. 2. Any officer of any railroad company in the State of Minnesota violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than \$100 and not more than \$500 for each offense, or by imprisonment in the county jail not more than sixty days, or both fine and imprisonment, at the discretion of the court.

It shall be the duty of the state railroad and warehouse commission, upon complaint properly filed with it alleging a violation of this act, to make a full investigation in relation thereto, and for such purpose it shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers, and if such report shall show a violation of the provisions of this act the commission shall, through the attorney-general, begin the prosecution of all parties against whom evidence of violation of the provisions of this act is found; but this act shall not be construed to prevent any other person from beginning prosecution for violation of the provisions hereof.

Approved April 19, 1907.

MISSOURI.

[Laws of 1905, p. 112.]

SECTION 1. It shall be unlawful for any corporation or receiver operating a line of railroad, in whole or in part, in the State of Missouri, or any officer, agent, or representative of such corporation or receiver to require or permit any conductor, engineer, fireman, brake-

man, train dispatcher, telegraph operator, or any train man who has worked in his respective capacity for sixteen hours within a day of twenty-four hours to again go on duty or perform any work for such railroad until he has had at least eight hours' rest: *Provided*, This provision shall not apply in case of accident or casualty or prevent train crews from taking a passenger train or freight loaded exclusively with live stock or perishable freight to the next nearest division point upon such railroad: *Provided further*, That this section shall not apply to employees of sleeping-car companies.

SEC. 2. Any corporation or receiver operating a line of railroad, in whole or in part, in this State, who shall violate any of the provisions of this act shall be liable to the State of Missouri for a penalty of not less than \$500 nor more than \$1,000 for each offense, and such penalties shall be recovered and suit therefor shall be brought in the name of the State of Missouri in a court of proper jurisdiction in any county in the State into or through [which] any such railway may run by the attorney-general, or under his direction, or by the prosecuting attorney of any county through or into or out of which trains may be operated by said railroad. All fines and penalties collected or received for any violation of this act shall be paid into the "good-roads fund" of the State of Missouri, to be used only in the construction of gravel or macadam roads in the several counties of the State outside of the incorporated cities and towns in such manner as may be provided for by law.

Approved March 25, 1905.

MONTANA.

[Laws of 1907, p. 6, ch. 5.]

SECTION 1. On all lines of steam railroads or railways operated in whole or in part within this State the time of labor of locomotive engineers, locomotive firemen, conductors, trainmen, operators, and agents acting as operators employed in running or operating the locomotive engines or trains on or over such railroads or railways in this State shall not at any time exceed sixteen consecutive hours or to be on duty for more than sixteen hours in the aggregate in any twenty-four-hour period. At least eight hours shall be allowed them off duty before said engineers, firemen, conductors, trainmen, operators, and agents acting as operators are again ordered or required to go on duty: *Provided, however*, That nothing in this section shall be construed to allow any engineer, fireman, conductor, or trainman to desert his locomotive or train in case of accident, storms, wrecks, washouts, snow blockade, or any unavoidable delay arising from like

causes, or to allow said engineer, fireman, conductor, or trainman to tie up any passenger or mail train between terminals.

SEC. 2. Any railroad company or superintendent, train dispatcher, trainmaster, master mechanic, or other railroad or railway official who shall order or require any locomotive engineer, locomotive fireman, conductor, trainman, operator, or agent acting as operator to labor contrary to the provisions of section 1 of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$100 or more than \$500, or by imprisonment of not less than thirty days or more than sixty days in the county jail; and all railroad or railway corporations operating lines of railroads or railways in whole or in part in this State shall be liable in damages for all injuries to any person or persons resulting from violations of the provisions of section 1 of this act.

SEC. 3. The provisions of section 1 of this act shall not apply to relief or wreck trains.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 5. This act shall be in full force and effect from and after its passage and approval by the governor.

Approved February 5, 1907.

NEBRASKA.

[Cobbey's Compiled Statutes, 1907, pp. 1809-10.]

SEC. 10629. That no company, corporation, or person operating a railroad, in whole or in part, within the State of Nebraska, shall permit or require any conductor, engineer, fireman, brakeman, telegraph operator, or any trainman who has worked in his respective capacity for eighteen consecutive hours, except in case of casualty or unavoidable emergency, to again go on duty or perform any work until he has had at least eight hours for rest.

SEC. 10630. Any company, corporation, or person who shall violate or permit to be violated any of the provisions of the foregoing section, or any officer, agent, or employer who violates or permits to be violated any of the provisions of the preceding section shall be fined not less than \$50, nor more than \$200, for each and every violation of this act: *Provided, however,* That the proceedings to enforce the penalty, as provided in this act, shall be commenced within six months from the date of the violation of the same.

SEC. 10631. It shall be unlawful for any common carrier within this State to put in charge of any telegraph or signal tower between the hours of 7 o'clock in the evening and 7 o'clock in the morning any

telegraph operator or tower man whose duty it shall be to assist in the movement of trains, unless such telegraph operator or tower man shall have reached the age of at least 21 years: *Provided*, This act shall not apply when such common carrier is engaged in relieving its tracks of a train wreck, an act of God, or some public calamity.

SEC. 10632. Any common carrier within this State who shall violate the provisions of section 1 (10631) of this act shall be deemed guilty of a misdemeanor, and upon conviction by any court of competent jurisdiction shall be fined in any sum of not less than \$5, nor more than \$50, for every night any such minor person is so employed in charge of every such railway station or tower.

NEVADA.

[Acts of 1907, p. 411.]

SECTION 1. It shall be unlawful for any person, corporation, or association operating a railroad within this State to permit any telegraph or telephone operator who spaces trains by the use of the telegraph or telephone under what is known and termed "block system" (defined as follows): Reporting trains to another office or offices, or to a train dispatcher operating one or more trains under signals, and telegraph and telephone levermen who manipulate interlocking machines in railroad yards or on main tracks out on the lines connecting side tracks or switches, or train dispatchers in its service whose duties substantially as hereinbefore set forth pertain to the movement of cars, engines, or trains on its railroad by the use of telegraph or telephone in dispatching or reporting trains or receiving or transmitting train orders as interpreted in this section, to be on duty for more than eight hours in any twenty-four consecutive hours.

SEC. 2. Any person, corporation or association that shall violate section 1 of this act shall pay a fine of \$100 for each violation of this act.

SEC. 3. The fine mentioned in section 2 of this act shall be recovered by an action of debt in the name of the State of Nevada for the use of the State, who shall sue for it against such person, corporation, or association violating this act, said suit to be instituted in any court in this State having appropriate jurisdiction.

SEC. 4. The said fine, when recovered as aforesaid, shall be paid without any deduction whatever, one-half thereof to the informer and the balance thereof to be paid into the public-school fund of the State of Nevada.

NEW YORK.

[Laws of New York, 1897, vol. 1, p. 464.]

SEC. 7. Ten hours' labor performed within twelve consecutive hours shall constitute a legal day's labor in the operation of steam surface and elevated railroads owned and operated within this State, except where the mileage system of running trains is in operation. But this section does not apply to the performance of extra hours of labor by conductors, engineers, firemen, and trainmen in case of accident or delay resulting therefrom. For each hour of labor performed in any one day in excess of such ten hours by any such employee he shall be paid in addition at least one-tenth of his daily compensation.

No person or corporation operating a line of railroad of 30 miles in length or over, in whole or in part, within this State shall permit or require a conductor, engineer, fireman, or trainman who has worked in any capacity for twenty-four consecutive hours to go again on duty or perform any kind of work until he has had at least eight hours' rest.

[Laws of 1907, vol. 2, p. 1469, ch. 627.]

SECTION 1. Chapter 415 of the laws of 1897, entitled "An act in relation to labor, constituting chapter 32 of the general laws," is hereby amended by adding a new section after section 7 thereof, to be section 7-a, to read as follows:

SEC. 7-a. Regulation of hours of labor of block-system telegraph and telephone operators and signalmen on surface, subway, and elevated railroads.—The provisions of section 7 of this chapter shall not be applicable to employees mentioned herein. It shall be unlawful for any corporation or receiver operating a line of railroad, either surface, subway, or elevated, in whole or in part, in the State of New York, or any officer, agent, or representative of such corporation or receiver to require or permit any telegraph or telephone operator who spaces trains by the use of the telegraph or telephone under what is known and termed the "block system" (defined as follows): Reporting trains to another office or offices or to a train dispatcher operating one or more trains under signals, and telegraph or telephone levermen who manipulate interlocking machines in railroad yards or on main tracks out on the lines, or train dispatchers in its service whose duties substantially, as hereinbefore set forth, pertain to the movement of cars, engines, or trains on its railroad by the use of the telegraph or telephone in dispatching or reporting trains or receiving or transmitting train orders as interpreted in this section, to be on duty for more than eight hours in a day of twenty-four hours, and it is hereby declared that eight hours shall constitute a day of employment for all laborers or employees engaged in the kind of labor aforesaid; except in

cases of extraordinary emergency caused by accident, fire, flood, or danger to life or property, and for each hour of labor so performed in any one day in excess of such eight hours by any such employee he shall be paid in addition at least one-eighth of his daily compensation.

Any person or persons, company or corporation, who shall violate any of the provisions of this section shall, on conviction, be fined in the sum not less than \$100, and such fine shall be recovered by an action in the name of the State of New York for the use of the State, which shall sue for it against such person, corporation, or association violating this act, said suit to be instituted in any court in this State having appropriate jurisdiction. Such fine, when recovered as aforesaid, shall be paid without any deduction whatever, one-half thereof to the informer and the balance thereof to be paid into the free school fund of the State of New York. The provisions of this act shall not apply to any part of a railroad where not more than 8 regular passenger trains in twenty-four hours pass each way; *Provided, moreover,* That where 20 freight trains pass each way generally in each twenty-four hours then the provisions of this act shall apply, notwithstanding that there may pass a less number of passenger trains than hereinbefore set forth, namely 8.

Paragraph 2. This act shall take effect October 1, 1907.

NORTH CAROLINA.

[Public Laws of 1907, p. 665, ch. 456.]

SECTION 1. That it shall be unlawful for any railroad company doing business in the State of North Carolina, or for any officer, agent, or employee thereof who has the direction of or control over any employee or agent of the classes mentioned below, to cause or knowingly permit or allow any employee belonging to any such class to render any service for such railroad company pertaining to the movement of trains, for a greater number of hours in any twenty-four hours than is hereinafter specified, to wit:

(a) Any employee doing the work of a train dispatcher (or telegraph operator), having in charge in any degree the direction of the movement of any train or trains in North Carolina for more than eight hours in any twenty-four hours: *Provided,* The Corporation Commission of North Carolina is hereby authorized to permit any such telegraph operator at any station on any road in this State to work for a longer time, not exceeding twelve hours in any twenty-four hours, where the said Corporation Commission shall determine that the safety of the traveling public will not be endangered by such extension of hours.

(b) Any conductor, flagman, engineer, brakeman, fireman, or other member of any train crew, for more than sixteen hours in any twenty-four hours.

SEC. 2. That any railroad company, or officer or agent thereof, having the direction of or control over any employee mentioned in section 1 of this act, who shall violate any of the provisions hereof, shall be guilty of a misdemeanor, and upon conviction such railroad company shall be fined not less than \$500; and such officer or agent shall be fined or imprisoned, or both, in the discretion of the Court.

SEC. 3. That any train dispatcher or telegraph operator, having in charge in any degree the direction of the movement of any train or trains in North Carolina, who shall work more than eight hours in any twenty-four hours as an employee performing the duties aforesaid, except as shall be permitted by the Corporation Commission under the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the Court.

SEC. 4. Any conductor, flagman, fireman, engineer, brakeman, or other member of any train crew, who shall work for any railroad company more than sixteen hours in any twenty-four hours, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court: *Provided*, That it shall not be held a violation of this act by any conductor, brakeman, flagman, engineer, fireman, or other member of any train crew who shall work more than sixteen hours in any twenty-four hours in order to clear the track or tracks of said railroad company from wrecks, washouts, or obstruction caused by the act of God, so that they may bring the train or trains operated by them to a station on said road, which station shall be either the schedule destination of said train or the station at which there is regularly a change of train crews; nor shall it be held in violation of this act by the corporation, officers, or agents thereof to permit, the said conductor, flagman, brakeman, fireman, engineer, or other member of a train crew to work overtime under the circumstances and conditions hereinbefore stated.

SEC. 5. This act shall be in force from and after its ratification.

Ratified March 4, 1907.

NORTH DAKOTA.

[Laws of 1907, p. 337, ch. 207.]

SECTION 1. It shall be unlawful for any railroad, railroad corporation, or common carrier, engaged in commerce in whole or in part within this State, or any of its officers or agents, to require or permit any employees engaged in or connected with the movement of any train in which commerce is hauled within the State, or to require

or permit any employee engaged in or connected with the movement of any train carrying freight or passengers within the State, to remain on duty more than sixteen consecutive hours, except when by casualty, storms, wrecks, washouts, snow blockades, or any unavoidable delay arising from like causes he is prevented from reaching his terminal; or to require or permit any such employee who has been on duty sixteen consecutive hours to go on any duty without having at least eight hours' rest.

SEC. 2. Any such railroad, railroad corporation, common carrier, or any of its officers or agents, violating any of the provisions of this act shall be deemed guilty of misdemeanor, and shall, upon conviction thereof in any district court of the State of competent jurisdiction, be subject to a fine of not less than \$100 nor more than \$1,000 for each offense; and it shall be the duty of the railroad commissioners to fully investigate all cases of any violation of this act, and said railroad commissioners shall forthwith notify the attorney-general of such violation thereof as may come to their knowledge, and it shall be the duty of the attorney-general to prosecute, or cause to be prosecuted, all violations thereof.

SEC. 3. All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 8, 1907.

OHIO.

[Bates's Annotated Statutes, vol. 2, 6th ed., 1787-1908, p. 1898.]

(3365-14) SECTION 1. Any company operating a railroad over 30 miles in length, in whole or in part within the State, shall not permit or require any conductor, engineer, fireman, brakeman, or any trainman on any train, or any telegraph operator who has worked in his respective capacity for fifteen consecutive hours, to again be required to go on duty or perform any work until he has had at least eight hours' rest, except in case of detention caused by accident, unavoidable or otherwise. Ten hours shall constitute a day's work, and for every hour that any conductor, engineer, fireman, brakeman, or any trainman, or any telegraph operator of any company who works under the direction of a superior, or at the request of the company, shall be paid for such extra services in addition to his per diem. (89 v. 311; 88 v. 344; 87 v. 112.)

(3365-15) SEC. 2. Any railroad company or corporation knowingly violating any of the provisions of this act shall be liable to a penalty of not less than \$500 nor more than \$1,000 for the first offense, and for any subsequent offense of not less than \$1,000 nor more than \$1,500, which shall be recovered in a civil action in the name of the State. (89 v. 311; 87 v. 112.)

OREGON.

[General Laws, 1907, ch. 143, p. 286.]

SECTION 1. Any person who owns or operates a steam railroad which is located wholly or partly in this State shall not permit or require any conductor, engineer, fireman, brakeman, or flagman, who upon arrival at a terminal station has been ten or more consecutive hours on duty, to go again on duty until he has had at least ten hours off duty. No conductor, engineer, fireman, brakeman, switchman, flagman, or telegraph operator shall be required or permitted to remain on duty more than fourteen consecutive hours, except when longer consecutive service becomes necessary because of fires, or wrecks, or washouts, or other unavoidable delays or unforeseen emergencies.

SEC. 2. The manager or superintendent of [or] any person owning or operating a steam railroad located wholly or partly in this State, or any other official charged with the management or control or operation of such railroad, or any part thereof, shall be responsible, as well as the owner thereof, for a violation of the provisions of this act; and any one or more of said persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail of not less than six months nor more than one year, or by both such fine and imprisonment.

Filed February 25, 1907.

RHODE ISLAND.

[Acts and resolves, January session, 1902, p. 80, ch. 1004.]

SECTION 1. A day's work for all conductors, gripmen, and motormen now employed or who may hereafter be employed in the operation of all street railways, of whatever motive power, in this State shall not exceed ten hours' work to be performed within twelve consecutive hours. No officer or agent of any corporation operating street cars, of whatever motive power, in this State shall on any day exact from any of its said employees more than the said ten hours' work within the twenty-four hours of the natural day, and within twelve consecutive hours: *Provided, however,* That on all legal holidays, and on occasions when an unexpected contingency arises demanding more than the usual service by such street railway corporation to the public, or from such employees to the corporation, and in case of accident or unavoidable delay, extra labor may be performed for extra compensation; and that nothing herein contained shall affect existing written contracts.

SEC. 2. That it is the true intent and purpose of this act to limit the usual hours of labor of the employees of street railway corporations, as aforesaid, to ten hours' actual work a day, to be performed within a period of twelve consecutive hours, as aforesaid, whether such employees be employed by the trip or trips, the job, the hour, the day, the week, the month, or in any other manner.

SEC. 3. Any street railway corporation violating any of the provisions of the preceding sections of this act shall be fined not less than \$100 nor more than \$500, one half thereof to the use of the complainant and the other half to the use of the State.

SEC. 4. This act shall take effect on the 1st day of June, A. D. 1902.

[Acts and Resolves, December session, 1902, p. 1, ch. 1045.]

SECTION 1. Section 2 of chapter 1004 of the Public Laws, passed at the January session of the general assembly, A. D. 1902, is hereby amended so as to read as follows:

"SEC. 2. The true intent and purpose of this act is hereby declared to be to limit the usual hours of labor of the above-mentioned employees of street railway corporations, in the absence of agreement as to such hours between such employees and their employer, to ten hours' actual work a day, to be performed within a period of twelve consecutive hours, whether such employees be employed by the trip or trips, the job, the hour, the day, the week, the month, or in any other manner. But nothing in this act contained shall be construed to forbid or prevent any such employee, being of the age of 21 years or upward, from laboring a greater or lesser number of hours a day in accordance with his contract so to do, nor to impose any penalty upon any person or corporation for permitting such employees to labor such greater or lesser number of hours in the performance of such contract."

SEC. 2a. So much of said act to which this is in amendment as is inconsistent herewith is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

Passed December 5, 1902.

SOUTH DAKOTA.

[Session Laws, 1907, p. 456, ch. 220.]

SECTION 1. No common carrier, nor any officer nor agent thereof, shall require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen consecutive hours, or require or permit any such employee who has

been on duty sixteen consecutive hours to go on duty without having had at least ten hours off duty, or require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period to continue on duty or to go on duty without having had at least eight hours off without duty within such twenty-four-hour period.

SEC. 2. In any prosecution for a violation of the preceding section it shall be a sufficient defense to show that the employee was prevented from reaching his terminal by any casualty occurring before he started on his trip, or by accident, or unexpected delay of trains scheduled to make connections with the train on which such employee was serving.

SEC. 3. Any common carrier and any officer or agent thereof violating any of the provisions of section 1 of this act shall, upon conviction thereof, be punished by a fine of not less than \$100 or more than \$1,000.

SEC. 4. The Board of Railroad Commissioners shall fully investigate all cases of violation of this act, and for that purpose may subpoena witnesses, administer oaths, interrogate witnesses, take testimony, and require the production of books and papers either within or without the State, and shall lodge with the proper state attorneys information of such violations as may come to its knowledge.

SEC. 5. The provisions of this act shall not be applied to relief or wreck trains.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 13, 1907.

TEXAS.

[General Laws of 1907, p. 113, Ch. LI; see also p. 444, Ch. V.]

SECTION 1. It shall hereafter be unlawful for any corporation or receiver operating any line of railroad in whole or in part in this State, or any officer, agent, or representative of such corporation or receiver, to require or knowingly permit any conductor, engineer, fireman, brakeman, train dispatcher, or telegraph operator who has been on duty for fourteen consecutive hours to perform any work until he has had at least eight hours off duty, except in cases where such fourteen hours expires while a train is between stations or at a station where there are no facilities for sidetracking such train, in either of which events the conductor, engineer, fireman, or brakeman, or all of them, may be permitted to proceed with such train to the first station where such facilities can be had, but no further: *Provided, however,*

That in case said fourteen hours shall expire when a train is within 20 miles of a terminal toward which it is going, or within 20 miles of its destination, the aforementioned employees operating such train may be permitted to proceed to such terminal or destination, but in such case shall not be required or permitted to do any switching or other work which would in any manner retard them in speedily reaching such terminal or destination: *Provided further*, That this act shall not apply in case of casualty upon such railroad directly affecting such employee, nor shall it apply to sleeping-car companies.

SEC. 2. It shall hereafter be unlawful for any corporation or receiver operating a line of railroad in whole or in part in this State, or any officer, agent, or representative of such corporation or receiver, to require or knowingly permit any conductor, engineer, fireman, brakeman, train dispatcher, or telegraph operator who has been on duty for fourteen consecutive hours and who has gone off duty to again go on duty or perform any work for such corporation or receiver until he has had at least eight hours off duty.

SEC. 3. Any corporation or receiver operating a line of railroad in whole or in part within this State who shall violate any of the provisions of this act shall be liable to the State of Texas in a penalty of not less than \$200 nor more than \$1,000 for each offense, and such penalties shall be recovered and suit therefor shall be brought in the name of the State of Texas in any court having jurisdiction of the amount in Travis County, Texas, or in any county into or through which said railroad may pass. Such suit or suits may be brought either by the attorney-general or under his direction or by the county attorney or district attorney of any county or judicial district into or through which said railroad may pass, and such attorney bringing any action under this act shall be entitled to a compensation of one-third of the total amount of penalties recovered.

SEC. 4. Any officer, agent, or representative of any corporation or receiver operating any line of railroad in whole or in part within this State who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than \$100 nor more than \$500 for each offense, or by confinement in the county jail for not less than ten nor more than sixty days, or both fine and imprisonment, and such person so offending may be prosecuted under this section, either in the county where such person may be at the time of the commission of the offense or in any county where such employee has been permitted or required to work in violation of this act.

[P. 444, Ch. V.]

SEC. 4a. That this act shall take effect and be in force on and after the 12th day of October, 1907.

SEC. 5. That section 5 of said act, approved April 1, 1907, be, and the same is hereby, repealed.

Approved April 1, 1907.

WASHINGTON.

[Laws of 1907, p. 25, ch. 20.]

SECTION 1. I shall be unlawful for any common carrier by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip; or, except by accident or unavoidable delay of trains scheduled to make connections with the train on which such employee is serving, he is prevented from reaching his terminal; or, to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours off duty; or, to require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period to continue on duty without having had at least eight hours off duty within the twenty-four-hour period.

SEC. 2. That any such common carrier, or any of its officers or agents, violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not less than \$100 or more than \$1,000 for each and every such violation, to be recovered in a suit or suits to be brought by the attorney-general; and it shall be the duty of the attorney-general to bring such suits, upon duly verified information being lodged with him of such violation having occurred, in any superior court; and it shall also be the duty of the railroad commission to fully investigate all cases of the violation of this act, and to lodge with the attorney-general information of any such violation as may come to its knowledge.

Approved February 18, 1907.

WEST VIRGINIA.

[Acts of 1907, p. 248, ch. 59.]

SECTION 1. That it shall be unlawful for any person, corporation, or association operating a railroad within this State to permit any person employed by them, or on their railroad, in the capacity of

telephone or telegraph operator, whose duty it is to space or block trains or engines, or handle train orders governing the movement of trains or engines, or handling interlocking switches governing the movement of trains or engines, to permit such telephone or telegraph operator so employed to be on duty more than eight hours in any twenty-four consecutive hours; *Provided*, That the provisions of this act shall apply only to such parts of a railroad where three or more passenger trains pass each way in twenty-four consecutive hours, or where ten or more freight trains pass each way in twenty-four consecutive hours, or at any office where said telegraph or telephone operators are employed twenty or more hours in twenty-four consecutive hours; *And provided further*, That in case of necessity caused by the sickness of any such operators or by an accident on such railroad, such telephone and telegraph operators may be permitted to be on duty for a period of twelve consecutive hours in any twenty-four consecutive hours, but such extension of time shall extend only for a period long enough to enable such railroad company to supply the required number of operators at such office, and shall in no case extend over a period of more than two days, nor under this provision shall it be lawful for any telegraph or telephone operator to be on duty twelve consecutive hours in any twenty-four consecutive hours for more than three times in any calendar month; but nothing in this act shall prevent any such company and operator agreeing to a longer day than eight hours, but in no case shall any such operator be permitted to be on duty longer than twelve consecutive hours in any twenty-four consecutive hours under such agreement.

SEC. 2. Any person, corporation, or association convicted of violating the provisions of this act shall be guilty of a misdemeanor and pay a fine of \$100 for the first offense, and for each offense committed after the first conviction hereunder pay a fine of \$300.

WISCONSIN.

[Laws of 1907, pp. 493, 497.]

Railroad employees' hours on and off duty.—Section 1809-l. It shall be unlawful for any common carrier, its officers or agents, to require or permit: (1) Any employee to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period shall be re-

quired or permitted to continue or again go on duty without having had at least eight consecutive hours off duty.

Emergencies excepted.—Section 1809-m. The provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officers or agents in charge of such employee at the time said employee left the terminal and which could not have been foreseen, nor to the crews of wrecking or relief trains.

Enforcement of sections 1809-l to 1809-o, inclusive.—Section 1809-n. The railroad commission shall fully investigate all cases of violation of this act and shall lodge with the proper district attorneys information of such violations as may come to its knowledge. The commission shall have the power to employ such inspectors or other persons as may be necessary to enforce the provisions of this act. To enforce the provisions of this act the railroad commission and its agents or employees shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers.

Penalty for violating hour law.—Section 1809-o. Any common carrier or any of its officers or agents violating any of the provisions of section 1809-l is declared to be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000.

Railroad operators, hours on and off duty.—Section 1816-m. It shall be unlawful for any corporation or a receiver operating a line of railroad, in whole or in part, in the State of Wisconsin, or any officer, agent, or representative of such corporation or receiver, to require or permit any operator to remain on duty for more than one period of eight consecutive hours, and when said operator shall have been on duty for said eight hours he shall be relieved and not required or permitted again to go on duty until he has had at least sixteen consecutive hours off duty in any twenty-four hours: *Provided*, This provision shall not apply in case of casualty upon such railroad; in which case said operator may be required or permitted to be on duty not more than one period of twelve consecutive hours in any twenty-four hours, or not to exceed three days of said twelve successive hours each at one time.

“Operator;” “block system.”—2. The term “operator” shall include train dispatchers, and shall be defined and construed to mean an employee who, by the use of the telegraph or telephone dispatches, or reports, transmits, receives, or delivers orders pertaining to or affecting the movement of cars, engines, or trains, or who handles such cars, engines, or trains by or under what is known and termed the block system; the term “block system” shall be defined and construed to mean reporting cars, engines, or trains to another office or

offices, and to the train dispatcher registering the same and operating one or more order or signal devices, and manipulating signal devices affecting the movement of cars, engines, or trains from stations or towers in railroad yards or on main tracks.

Enforcement.—3. Whenever the railroad commission shall learn of any violation of this section by any company or by an officer or agent of any such company, it shall be the duty of the railroad commission to investigate such violation at once, and it shall have power to require such company to immediately provide such additional employees as are necessary to comply with the provisions of this act.

Penalty.—4. The failure to comply with any of the provisions of this section shall subject the corporation, or receiver, or any officer, agent, or representative of such corporation or receiver, to a penalty of not less than \$1,000 nor more than \$5,000 for each offense, to be sued for and recovered in the name of the State, with the costs of prosecution by the attorney-general or under his direction, or by the district attorney for any county in which the violation may occur, and in the circuit court for such county, and such penalty, when recovered, shall be paid into the county treasury of the county in which the violation occurred, for the benefit of such county.

DECISION OF COURTS RELATING TO HOURS OF SERVICE OF RAILWAY EMPLOYEES.

ARKANSAS.

Finding of the Court.

The court takes judicial knowledge of the fact that the defendant's railroad is engaged in interstate commerce, and the complaint should so set out; and being amended to that extent, the demurrer and motion to quash are one and the same in effect.

The defendant, the St. Louis, Iron Mountain and Southern Railway Company, being chartered under the laws of the State of Arkansas and the State of Missouri; and so organized for the purpose of doing an interstate business, and was at the time complained of doing an interstate business, its operations being subject to the laws of the United States, and not to the State of Arkansas, as to the conduct of such business.

This being so, and Congress by its act of March 4, 1907, having enacted a law covering this subject, all jurisdiction of the State of Arkansas on the subject under the Constitution of the United States and the States became void; and the attempt to enforce such state laws is in violation of said Constitution. And the demurrer to the complaint and the motion to quash must be sustained.

MISSOURI.

[Supreme Court, June 6, 1908.]

Synopsis of Decision.

The act of the general assembly of the State of Missouri of 1907, limiting the hours of service of telegraph operators and train dispatchers, attempts to regulate interstate as well as intrastate commerce, and therefore is beyond the power of a State and void. (*Howard v. Ill. C. R. R. Co.*, 207 U. S. 463, cited and applied.)

Courts can take judicial notice of the fact that such a large railway as the defendant is engaged in interstate commerce. The trend of

the judicial mind is to expand the judicial horizon, and, as decided cases ripen into precedents, it is made manifest that the list of things of which courts take judicial notice is being sensibly added to by growth.

Congress, by enacting the federal law limiting the hours of service for employees on railroads engaged in interstate commerce, approved March 4, 1907, served notice on all the States that Congress, as sole constitutional repository of power in regulating commerce among the States, has also exercised the incidental power of regulating the hours of labor of such employees, and any State law upon the same subject incidentally acting upon interstate traffic must give way to the federal statute in so far as interstate traffic is affected.

Though the Missouri act was passed last it went into effect a few months prior to the federal statute limiting the hours of service of employees. By this federal statute a notice, in the nature of a caveat, was given to all state legislatures that Congress has occupied the ground by its statutory regulations; and that, in its high wisdom, it has marked out a preparatory period of one year. This period, in the comity existing between state and federal legislative power, can not be abrogated by state action. Uniformity in police regulations involving interstate commerce seems, under the pressure of current events, to have called for federal legislation.

MONTANA.

[Supreme Court, February 25, 1908.]

Synopsis of Decision.

1. COMMERCE—SUBJECTS OF REGULATION—RAILROADS.

Act February 5, 1907 (Laws, 1907, p. 6, ch. 5), providing that those employed in running or operating locomotive engines or railroad trains in this State shall not be required to work more than a certain number of hours without rest, and prescribing penalties for its violation, is not unconstitutional as being a regulation of interstate commerce in the absence of federal legislation on the subject.

2. STATES—REPEAL—IMPLIED REPEAL BY ACT RELATING TO SAME SUBJECT—RETROACTIVE OPERATION.

Act February 5, 1907 (Laws, 1907, p. 6, ch. 5), regulating the time a railroad may require its employees to work, is not made ineffective by the passage of act March 4, 1907, ch. 2939, 34 Stat., 1415 (U. S. Comp. St., Supp., 1907, p. 913), similar in substance, but not to become operative till March 4, 1908, since legislation is not effective for any purpose until it becomes operative.

WISCONSIN.

[Supreme Court, September, 1908.]

Synopsis of Decision.

The statute of Wisconsin prohibiting a railroad operated in whole or in part in that State to require or permit a train dispatcher to remain on duty for more than one period of eight consecutive hours so regulates interstate commerce, intentionally or by necessary effect, that it invades the commerce clause of the Federal Constitution and can not stand.

Such statute is also void because in conflict with the federal hours of service act, which is declared constitutional.

Any attempt to separate interstate from domestic commerce in the operation of trains and the regulation thereof by the dispatchers would result in great danger, delay, interference, and expense to interstate commerce. Hardly any act of a train dispatcher on a busy railroad can be conceived which does not affect both interstate and domestic commerce. He can not move or stop the most distinctively local train without affecting the interstate train, or vice versa. No extra or special can be put on the division without adjustment of other trains. Of course, also, every interstate train carries some purely intrastate trade or passengers. Division of authority over these subjects would be fraught with great perils and delays to both kinds of transportation.

The federal hours of service act is a clear declaration by Congress of a will and policy that, so far as the regulation and safeguarding of interstate commerce might properly be affected by prescribing hours of labor for such employees, the subject should be under the control of Congress and not of state legislatures. That act also declares a policy that interstate railroads should have a reasonable time in which to adjust their business to the new restrictions by postponing the date when the law should become operative; and a state provision changing the time for such preparation and adjustment is in direct conflict with the policy of Congress.

Hours of service of railway employees—Regulations in the several States.

| State. | Hours on duty. | | Hours off duty. | | Penalty. | | Citation. | Remarks. |
|----------------------------|------------------------------------|-----------------|------------------------------------|-----------------|---------------------------|-------------|---|--|
| | Telephone and telegraph operators. | Other trainmen. | Telephone and telegraph operators. | Other trainmen. | Corporation or its agent. | Employee. | | |
| Alabama..... | | | | | | | | No law. |
| Arizona..... | 16 | 16 | 9 | 9 | \$50- \$300 | | Laws of 1903, p. 53.... | Emergency clause. |
| Arkansas..... | 8 | 16 | 16 | 8 | 100- 500 | | Laws of 1907, p. 656... See also 1904 Stat., p. 1351. | Emergency clause. Unconstitutional. |
| California..... | | | | | | | | No law. |
| Colorado..... | 18 | 18 | 8 | 8 | 100- 300 | \$100-\$300 | Laws of 1891, p. 284... | Emergency clause. |
| Connecticut..... | 8 | | | | 1,000 | 1,000 | Laws 1907, pp. 851-852. | Emergency clause. 12-hour limit for "day-only" sta- tions. |
| Delaware..... | | | | | | | | No law. |
| District of Colum- bia. | 9 | 16 | | 8 | 500 | | Public No. 274; March 4, 1907. | Emergency clause 13-hour limit for "day-only" sta- tions. |
| Florida..... | 13 | 13 | 8 | 8 | 50- 500 | | Gen. Stat. 1906, p. 1112. | Emergency clause. |
| Georgia..... | | 13 | | 10 | 50- 500 | | Code of 1895..... | Do. |
| Idaho..... | | | | | | | | No law. |
| Illinois..... | | | | | | | | Do. |
| Indiana..... | 16 | 16 | 8 | 8 | 100- 500 | | Acts of 1907, p. 215.... | Emergency clause. |
| Iowa..... | 16 | 16 | 10 | 10 | 100- 500 | | Laws of 1907, p. 106... | Do. |
| Kansas..... | 16 | 16 | 8 | 8 | 100- 200 | | Laws of 1907, p. 453.... | Emergency clause. Carriers report in- fractions. |
| Kentucky..... | | | | | | | | No law. |
| Louisiana..... | | | | | | | | Do. |
| Maine..... | | | | | | | | Do. |
| Maryland..... | 8 | | | | 100 | | Laws of 1906, p. 834; applies only at sta- tions where 8 pas- senger or 20 freight trains pass daily. | |
| Massachusetts..... | | | | | | | | No law. |
| Michigan..... | | 24 | | 8 | 50- 100 | 50-100 | Compiled laws of 1897. | Emergency clause. |
| Minnesota..... | 16 | 16 | 8 | 8 | 100- 500 ^a | | Laws of 1907, p. 344.... | Do. |
| Mississippi..... | | | | | | | | No law. |
| Missouri..... | 16 | 16 | 8 | 8 | 500-1,000 | | Laws of 1905, p. 112.... | Emergency clause. Unconstitutional for interstate traf- fic. |
| Montana..... | 16 | 16 | 8 | 8 | 100- 500 ^b | | Laws of 1907, p. 6..... | Emergency clause. Law sustained un- til Federal law be- came operative. |

^a Or imprisonment or both.

Hours of service of railway employes—Regulations in the several States—Continued.

| State. | Hours on duty. | | Hours off duty. | | Penalty. | | Citation. | Remarks. |
|---------------------|------------------------------------|-----------------|------------------------------------|-----------------|---------------------------|-----------|---|---|
| | Telephone and telegraph operators. | Other trainmen. | Telephone and telegraph operators. | Other trainmen. | Corporation or its agent. | Employee. | | |
| Nebraska..... | 18 | 18 | 8 | 8 | 50- | 200 | Cobbeys' Comp. Stat. 1907, pp. 1809-1810. | Emergency clause. Minors not allowed in charge of signal and telegraph towers between 7.00 p. m. and 7.00 a. m. |
| Nevada..... | 8 | | | | 100 | 100 | Acts of 1907..... | No law. |
| New Hampshire..... | | | | | | | | Do. |
| New Jersey..... | | | | | | | | Do. |
| New Mexico..... | | | | | | | | Do. |
| New York..... | 8 | 10 | 16 | 8 | 100 | 100 | Laws of 1907, vol. 2, p. 1469. | Emergency clause. |
| North Carolina..... | 8 | 16 | 16 | | a 500 | (b) | Laws of 1907, p. 665.... | Emergency clause. Corporation commission may extend hours of telegraph operators. |
| North Dakota..... | 16 | 16 | 8 | 8 | 100-1,000 | | Laws of 1907, p. 337.... | Emergency clause. |
| Ohio..... | 15 | 15 | 8 | 8 | 500-1,500 | | Bates's Annot. Stat., vol. 2, 1787-1908, p. 1898. | Do. |
| Oklahoma..... | | | | | | | | No law. |
| Oregon..... | 14 | 14 | 10 | 10 | 100- 500a | | Gen. Laws 1907, p. 286. | Emergency clause. |
| Pennsylvania..... | | | | | | | | No law. |
| Rhode Island..... | | | | | | | | Law for street railways only. |
| South Carolina..... | | | | | | | | No law. |
| South Dakota..... | 16 | 16 | 10 | 10 | 100-1,000 | | Laws of 1907, p. 456.... | Emergency clause. |
| Tennessee..... | | | | | | | | No law. |
| Texas..... | 14 | 14 | 8 | 8 | 200-1,000a | | Gen. Laws 1907, p. 113. | Emergency clause. |
| Utah..... | | | | | | | | No law. |
| Vermont..... | | | | | | | | Do. |
| Virginia..... | | | | | | | | Do. |
| Washington..... | 16 | 16 | 8 | 8 | 100-1,000 | | Laws of 1907, p. 25.... | Emergency clause. |
| West Virginia..... | 8 | | | | 100- 300 | | Acts of 1907, p. 248.... | Emergency clause. May contract for 12 hours. |
| Wisconsin..... | 8 | 16 | 16 | 8 | 100-1,000 | (c) | Laws of 1907, pp. 493-497. | Emergency clause. Unconstitutional as to telegraphers; inspectors employed for enforcement. |
| Wyoming..... | | | | | | | | No law. |

a Or imprisonment or both.

b In discretion of court.

c Telegraphers; 1,000-5,000.

Provisions of emergency clause in State regulations.

| State. | Emergencies provided for. | Employees embraced. | Limit to hours of service prescribed in emergencies. |
|---------------------------|---|---|---|
| Arizona..... | Casualty or actual necessity. | All employees..... | Not to exceed 16 hours in a day of 24 hours. Operators may remain on duty 4 additional hours |
| Arkansas..... | Wrecks or washouts..... | Train men only..... | |
| Colorado..... | Casualty..... | All employees..... | |
| Connecticut..... | Sickness, death, wrecks, or washouts. | Telephone and telegraph operators. | |
| District of Columbia..... | Casualty or unavoidable accident, or act of God. | All employees..... | |
| Florida..... | Casualty or other cause... | Train-operating employees. | |
| Georgia..... | do..... | do..... | |
| Indiana..... | Casualty..... | All employees..... | |
| Iowa..... | Accident, wreck, unavoidable casualty, fast freight. | Employees connected with movement of rolling stock. | |
| Kansas..... | Washout, wreck, or unavoidable blockades. | All employees..... | |
| Michigan..... | Unavoidable accident or delay. | Train men only..... | |
| Minnesota..... | Protection of life or property, accident, wreck, or other unavoidable delay. | Employees connected with movement of rolling stock. | |
| Missouri..... | Accident or casualty..... | All employees..... | Train crews permitted to remain on duty until nearest terminal or division point is reached. |
| Montana..... | Accident, storms, wrecks, washouts, snow blockades, or any unavoidable delay. | do..... | |
| Nebraska..... | Casualty or unavoidable emergency. | do..... | |
| New York..... | Accident, fire, flood, or danger to life and property. | Telephone and telegraph operators and signal men. | |
| | Accident or delay resulting therefrom. | All train men..... | |
| North Carolina..... | Wrecks, washouts, or act of God. | Train-crew men..... | |
| North Dakota..... | Casualty, storms, wrecks, washouts, snow blockades, or unavoidable delay. | Employees connected with movement of rolling stock. | |
| Ohio..... | Accident, unavoidable or otherwise. | All employees..... | |
| Oregon..... | Fires, wrecks, or washouts, or other unavoidable delays. | do..... | |
| South Dakota..... | Any casualty..... | Any employee connected with movement of any train. | |
| Texas..... | Casualty..... | All employees..... | |

Provisions of emergency clause in State regulations—Continued.

| State. | Emergencies provided for. | Employees embraced. | Limit to hours of service prescribed in emergencies. |
|--------------------|--|---|---|
| Washington..... | Casualty, accident, or unavoidable delay. | Employees connected with movement of any train. | |
| West Virginia..... | Sickness of operator or accident on road. | Telephone and telegraph operators. | Not to exceed 12 hours in any 24 consecutive, for 2 days. |
| | Casualty or unavoidable accident, or the act of God. | Railroad employees..... | |
| Wisconsin..... | Casualty..... | Telegraph operators..... | Not to exceed 12 hours in any 24, nor for a longer period of 3 days of 12 hours each. |

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