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THE  
Compiled Labor  
Laws

OF THE

State of Colorado

UNIVERSITY OF CHICAGO  
PRESS - CHICAGO  
ILLINOIS

THE  
Compiled Labor  
Laws

OF THE

STATE OF COLORADO

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Including all Enactments Relating to  
Labor to May 6, 1911

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Edwin V. Brake

Deputy Labor Commissioner and Chief Factory Inspector



DENVER, COLORADO  
THE SMITH-BROOKS PRINTING CO., STATE PRINTERS

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## Note

In order to meet the demand for the Labor Laws of Colorado, and for the convenience of the working people of this State, I have deemed it proper to have all of the Colorado laws relating to labor revised to date and printed in pamphlet form for distribution, so that all may become familiar with the laws now on our statute books, and also be in position to ask for further intelligent legislation.

Respectfully,

EDWIN V. BRAKE,

Deputy Labor Commissioner and Chief Factory Inspector.

Denver, Colorado, September 1, 1911.

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# THE Compiled Labor Laws

OF THE  
State of Colorado

Including all Enactments Relating to Labor  
to May 6, 1911

## AGE OF EMPLOYEES.

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**Age Not Ground for Discharge—Proviso**—That no person, persons, firm, association or corporation, carrying on or conducting, within this State, any business requiring the employment of labor, shall discharge any individual between the ages of eighteen and sixty years, solely and only upon the ground of age; Provided, however, That such individual is well versed in the line of business carried on by such person, persons, firm, association or corporation, and is qualified physically, mentally, and by training and experience, to satisfactorily perform, and does satisfactorily perform, the labor assigned to him, or for which he applies. [3 Mills (Rev.) Stats., 2801c, 2.]

**Violation—Penalty**—Any person, persons, firm, association or corporation, or officer, agent or representative of such corporation, who violates, or permits to be violated, any of the provisions of the preceding section, upon conviction thereof, shall be fined not less than one hundred dollars, nor more than two hundred and fifty dollars, for each and every violation of this act. [3 Mills (Rev.) Stats., 2801d, 2.]

## ANTI-COERCION ACT.

**Unlawful for Employer to Interfere With Employee's Membership in Lawful Organization**—Section 1. It shall be unlawful for any corporation, company, partnership, association, individual or any employer of labor to demand as a condition of employment, or as a condition of continuing any employment, any contract, agreement or reservation, evidenced by writing or otherwise, or by condition reserved in any contract, that the person or persons so employed shall sever any present connection with or shall refrain from joining any lawful organization or society, or under any pretense whatever to prohibit, limit or restrain such



employee from exercising his social, financial, fraternal or business rights in connection with or through any lawful organization or society, during his employment by any employer.

**Contract Prima Facie Evidence of Violation**—Section 2. Any such contract, agreement or reservation or condition reserved shall be prima facie evidence of the violation of this act.

**Misdemeanor—Penalty**—Section 3. That any corporation, company, partnership, association, individual or any employer of labor, which or who shall violate any provision of this act, shall be deemed guilty of a misdemeanor, and as to any corporation such guilt shall extend to all the officers, directors or trustees thereof and agent or authority by which such corporation acts, as individuals, and as to any partnership or company, all persons composing the same as individuals, and as to any person the person and his agent shall be guilty as individuals, and upon conviction of any person or persons under the provisions of this act, such person or persons shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars for each and every repetition of such offense or by imprisonment of not less than ninety days nor more than six months in the County Jail for the County in which such offense was committed, or by both such fine and imprisonment in the discretion of the Court.

Approved March 27th, 1911. (L. 1911.)

#### ASSIGNMENT FOR BENEFIT OF CREDITORS.

**Wages Preferred Claims**—The valid claims of servants, laborers and employes of the assignor, for wages earned during the six months next preceding the date of the assignment, not to exceed fifty dollars, to any one person then unpaid, and still held by the person who earned the same, and all taxes assessed under the laws of this State, or of the United States, shall be preferred claims and be paid in full, prior to the payment of the dividends in favor of other creditors. [3 Mills (Rev.) Stats., 195.]

**Suspension of Business—Preferred Claims—Contests**—That hereafter, when the business of any person, corporation, company or firm shall be suspended by the action of creditors, or be put into the hands of a receiver or trustee, then in all such cases the debts owing to laborers, servants or employes, which have occurred by reason of their labor, or employment, shall be considered and treated as preferred claims, and such laborers or employes shall be preferred creditors, and shall first be paid in full, and if there be not sufficient to pay them in full the same shall be paid from the proceeds of the sale of the property seized; Provided, That any person interested may contest any such claim, or claims, or part thereof, by filing exceptions thereto, supported by affidavit, with the officer having the custody of such property, and thereupon the claimant shall be required to reduce his or her claim to judgment before some court having jurisdiction thereof before any part thereof shall be paid. [3 Mills (Rev.) Stats., 195a, 1.]

**ASSIGNMENT OF WAGES.**

**Notice of Assignment**—Section 1. That from and after the passage of this act, no assignment of wages not already earned at the time of such assignment, and no assignment of any other sum to become due to the assignor, shall be valid as against any creditor of the assignor who has not had actual notice of the said assignment at the time the same shall be made, unless the same be recorded with the Recorder of the county wherein such wages are to be earned or such sums are to become due, within five days from date thereof. [Sess. L. '07, p. 608.]

**Wife or Husband Join**—Section 2. No assignment of wages not already earned at the time of such assignment and no assignment of any sum to become due the assignor after the date of such assignment shall be valid, unless, if the assignor be a married man or woman and residing with a wife or husband, such wife or husband shall join in and shall sign such assignment. [Sess. L. '07, p. 608.]

**In Garnishee Cases**—Section 3. When any person or persons, association or corporation, shall hereafter have been served with garnishee summons in any action, and shall have answered such garnishee summons, and when such answer shall have been traversed, and a trial of the issues thereof shall be had, and such garnishee as aforesaid, shall set forth in its answer, or by way of evidence any assignment of wages, or other sums to be earned or to become due after the date of such assignment, such assignment shall be held invalid and of no effect, as against the party in whose favor such process was issued, unless the garnishee shall show in addition that actual notice of such assignment was served upon the party in whose favor such garnishee process was issued at the date thereof, or that a copy of such assignment was duly recorded, as provided by Section 1 of this Act. [Sess. L. '07, p. 608.]

**Fees**—Section 4. The several County Clerks and Recorders in their respective Counties shall receive the sum of fifty cents (.50) for recording each of such assignments. [Sess. L. '07, p. 609.]

**BARBERS.**

**Sunday Barbering a Misdemeanor**—That it shall be a misdemeanor for any person to carry on the business of barbering on Sunday in any city of the first or second class, whether incorporated by general law or special charter, in the State of Colorado. [3 Mills (Rev.) Stats., 1370a.]

**Penalty**—Any one found guilty of violating the first section of this act, shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00), or imprisoned in the county jail not less than fifteen (15) nor more than thirty (30) days, or both, in the discretion of the court. [3 Mills (Rev.) Stats., 1370b.]

**BARBERS, LICENSE.**

**Barbers Must Obtain License**—Section 1. It shall be unlawful for any person to follow the occupation of barber in this State unless they shall have first obtained a certificate of registration as provided in this act; Provided, however, That nothing in this act contained shall apply to or affect any person who is now actually engaged in such occupation, except as hereinafter provided.

**Barber Examiners—Qualifications—Term—Bond—Section 2.** A Board of Examiners, to consist of three (3) persons, is hereby created to carry out the purposes and enforce the provisions of this act. Said board shall be appointed by the Governor—one (1) member from the persons who may be recommended by the several unions of journeymen barbers in this State which have been in actual existence at least two (2) years prior to the making of such recommendations, one (1) member who has been for at least three years prior to his appointment, an employing barber in this State, and the third to be a practical barber who has been for at least five years prior to his appointment engaged in such occupation in this State. Each member of said board shall serve for the term of three (3) years, and until his successor is appointed and qualified, except in the case of the first board, whose members shall serve one (1), two (2) and three (3) years respectively, as specified in their appointment. Each member of said board shall give a bond in the sum of twenty-five hundred dollars (\$2,500.00), with sureties to be approved by the Secretary of State, conditioned for the faithful performance of his duties, and shall take the oath provided by the law for public officers. Vacancies upon said board caused by death, resignation, or expiration of the term of any member thereof, shall be filled by appointment from the same class of persons to which the deceased or retiring member belonged.

**Officers of Board—Section 3.** Said board shall elect a president, secretary and treasurer; shall have its headquarters at the city and county of Denver; shall have a common seal, and the president and secretary shall have power to administer oaths to carry out the provisions of this act only.

**Compensation of Board—Section 4.** Each member of said board shall receive a compensation of five dollars (\$5.00) per day for actual service, and five cents (5c.) per mile for each mile actually traveled in attending meetings of the board, which compensation shall be paid out of any moneys in the hands of the treasurer of said board; Provided, That the said compensation and railroad fare shall in no event be paid out of the State Treasury.

**Report of Board—Section 5.** Said board shall report to the Governor of this State a full statement of the receipts and disbursements of the board, by giving an itemized account in pamphlet form, and a copy furnished to each member of the Legislature, and each barber working under the provisions of this act during the preceding two (2) years, a full statement of its doings and proceedings and such recommendations as to it may seem proper looking to the better carrying out of the interests and purposes of this act; and said board shall pay the expense of any publication thereof, and said board shall not have the right to create any indebtedness on behalf of the State of Colorado. Any money in the hands of the treasurer of said board, at the time of making such report, in excess of two hundred and fifty dollars (\$250.00) shall be paid over to the State Treasurer, to be by him turned in to the school fund of the State of Colorado.

**Examinations Quarterly—Section 6.** Said board shall hold public examinations not less than four (4) times in each year, in not less than



four (4) different cities in this State, at such times and places as it may determine. Notice of such meetings to be given by a publication thereof at least ten (10) days before such meetings, at the Capital of the State, and in the city where such meetings are to be held.

**Procedure on Passage of This Act—Section 7.** Every person now engaged in the occupation of barber in this State shall, within ninety (90) days after the approval of this act, file with the secretary of said board an affidavit, setting forth his or her name, residence, and the length of time during which, and the places where, he or she has practiced such occupation, and shall pay to the treasurer of said board one dollar (\$1.00) and a certificate of registration entitling him or her to practice such occupation for the year ending December 31, 1909, thereupon shall be issued to him or her, and the holder of such certificate shall, within thirty days (30) prior to the expiration of his or her certificate, make application for the renewal of the same, stating the number of expiring certificate, and shall in each case pay to the treasurer of said board the sum of one dollar (\$1.00) therefore (therefor). For any or every license given or issued by the board a fee of one dollar (\$1.00) shall be paid, by the person receiving the same.

**Procedure of Applicants Not Licensed—Qualifications—Section 8.** Any person not holding a license under the provisions of the preceding section and desiring to obtain a license under this act, shall make application to said board therefor, and shall pay to the treasurer of said board an examination fee of five dollars (\$5.00) which shall be refunded in case license is not issued, and shall present him or herself at the next regular meeting of the board for examination of applicants, whereupon said board shall proceed to examine such person, and being satisfied that he or she is above the age of nineteen (19) years, of good moral character (free from contagious infectious or blood disease), has either (a) studied the trade for a period of three (3) years as apprentice under a qualified and practicing barber, or (b) studied the trade in a properly appointed and conducted barber school under the instruction of a competent barber for a period of at least three (3) years, or (c) practiced the trade in another state for a period of at least three (3) years, and is possessed of requisite skill in said trade to properly perform all the duties thereof, including his or her knowledge and ability in the aseptic, antiseptic preparation of the tools, shaving, hair cutting and all the duties and services incident thereto, and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said trade, his or her name shall be entered by the board in the register hereinafter provided for, and a certificate of registration shall be issued to him or her, authorizing him or her to practice such trade in this State; Provided, That whenever it appears that applicants have acquired their knowledge in a barber school, the board shall be judges of whether said barber school is properly appointed and conducted, and under proper instruction to give sufficient training in such trade.

**Apprentices Must Be Registered—Section 9.** Nothing in this act shall prohibit any person from serving as an apprentice in said trade under a barber authorized to practice the same under this act; Provided,

That said apprentice shall be registered with the Board of Examiners and shall display such certificate of registration as is issued by said board, the same to be displayed in front of the chair on which he or she is employed; Provided, In no barber shop there shall be more than one apprentice employed.

**Certificates**—Section 10. Said board shall furnish to each person to whom a certificate of registration is issued, a card or insignia, bearing the seal of the board and the signature of the president and secretary, certifying that the holder thereof is entitled to practice the occupation of barber in this State, and it shall be the duty of the holder of such card or insignia to post the same in a conspicuous place in front of his or her working chair, where it may be readily seen by all persons whom they may serve.

**Board Keep Register**—Section 11. Said board shall keep a register in which shall be entered the names of all persons to whom licenses are issued or examination, is given under this act, and said register shall be open at all times for public inspection.

**Revocation of License**—Section 12. Said board shall have power to revoke any certificate of registration granted by it under this act, for (a) conviction of a felony; (b) habitual drunkenness for a period of six (6) months immediately before a charge duly made; (c) gross incompetency, or (d) contagious or infectious disease; Provided, That before any certificate shall be revoked the holder thereof shall have notice in writing from said board of the charge or charges against him or her, and shall at a day specified in said notice, at least fifteen (15) days after the service thereof, be given a public hearing before said board, and full opportunity to produce testimony in his or her behalf, and to confront the witnesses against him or her. Any person whose certificate has been revoked may, after the expiration of ninety (90) days, apply to have the same re-granted, and the same shall be re-granted to them upon a satisfactory showing that the disqualifications have ceased.

**Tools and Towels to Be Disinfected**—Section 13. Any person who shaves another person afflicted with syphilis, eczema, blood poison, or any skin disease, who does not, before he or she again uses their tools and towels, subject them to disinfection, by boiling, shall be guilty of a misdemeanor and shall be punished accordingly.

**Barbering Defined**—Section 14. To shave or trim the beard or cut the hair of any person for hire, or reward, received by the person performing such service, or any other person, shall be construed as practicing the occupation of barber within the meaning of this act.

**Barber Must Have License**—Section 15. Any person practicing the occupation of barber without having obtained a certificate of registration, as provided by this act, or any person knowingly employing a barber who has not such a certificate, or any person falsely pretending to be qualified to practice such occupation under this act, or any person failing properly to sterilize each and all of his or her tools and have all linen properly laundered prior to use upon each and every person, or 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 ten dollars (\$10.00) or more than one hundred dollars (\$100.00) and by imprisonment in the county jail not less than ten (10) days or more than ninety (90) days.

**Penalty—Justice of the Peace Shall Have Jurisdiction—**Section 16. Justices of the peace shall have jurisdiction of all actions brought for a violation of any of the provisions of this act, subject to the right of appeal as provided for in cases of assault and battery.

**Conduct of Barber Shops—**Section 17. The Board of Examiners shall provide rules and regulations for the proper sanitary conditions in the conduct and management of barber shops in this State. (L. 1909.)

### BOYCOTTING AND BLACKLISTING.

**Influencing Not to Trade—Ticketing Buildings, Etc.—**That it shall be unlawful for any person or persons to loiter about or patrol the streets, alleys, roads, highways, trails or place of business of any person, firm or corporation engaged in any lawful business, for the purpose of influencing or inducing others not to trade with, buy from, sell to, work for, or have business dealings with such person, firm or corporation, or to ticket the works, mine, building or other place of business or occupation of such other person, persons, firm or corporation, for the purpose of obstructing or interfering with or injuring any lawful business, work or enterprise; Provided, That nothing herein shall prevent any person from soliciting trade, custom or business for a competitive business. [Sess. L. '05, p. 160, 1.]

**Unlawful Publications—**That it shall be unlawful to print or circulate any notice of boycott, boycott card, sticker, banner, sign or dodger, publishing or declaring that a boycott or ban exists, or has existed, or is contemplated against any person, persons, firm or corporation doing a lawful business, or publish the name of any judicial officer or other public officer upon any notice of boycott, boycott card, sticker, banner, sign or other similar list, because of any lawful act or decision of such official. [Sess. L. '05, p. 160, 2.]

**Not to Intimidate—**It shall be unlawful to use force, threats, or other means of intimidation to prevent any person from engaging in any lawful occupation at any place he or she sees fit. [Sess. L. '05, p. 161, 3.]

**Employers Not to Maintain Blacklist—**It shall be unlawful for any employer to maintain a black list, or to notify any other employer that any workman has been blacklisted by such employer, for the purpose of preventing such workman from receiving employment; Provided, however, That nothing herein shall prevent a former employer of any workman or any former employe from imparting a fair and unbiased opinion of a workman's or employe's qualifications when solicited so to do by a later or prospective employer of such workman, or employe; nor shall anything in this act be construed to prevent any merchant or professional man, or any association of the same, from maintaining or publishing a list concerning the credit or financial responsibility of any person or persons dealing with him or them on credit. [Sess. L. '05, p. 161, 4.]

**Penalty**—Any person, firm or corporation violating any provision of this act shall be guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine of not less than ten dollars (\$10.00) nor more than two hundred and fifty dollars (\$250.00), or to be imprisoned not to exceed sixty (60) days in the county jail, or both, in the discretion of the court. [Sess. L. '05, p. 161, 5.]

### BUREAU OF LABOR STATISTICS.

(As amended 1909.)

**Deputy Labor Commissioner, Statistician, Stenographer, Term, Bond, Salary**—Section 1. That there is hereby established a separate and distinct bureau to be known as the Bureau of Labor Statistics of the State of Colorado, which bureau shall be charged with the collection of statistics pertaining to the internal resources of the State, labor and agriculture. The Secretary of State shall be designated the ex-officio commissioner of said bureau. He shall appoint a deputy within ten days after the approval of this act, who shall hold his office for the term of two years. He shall be an elector of this State, well versed in the collection of statistics and matters relating thereto. The deputy labor commissioner shall, within twenty days after receiving his commission, and before entering upon the duties of his office, give bonds to the State of Colorado in the sum of five thousand (\$5,000) dollars to be approved by the Attorney General. Said deputy labor commissioner shall receive an annual salary of twenty-five hundred (\$2,500) dollars, payable as other State officers. The said deputy labor commissioner shall, upon entering upon his duties, recommend and the secretary of State appoint one statistician who shall hold his office for the term of two years and who shall be an elector of the State; he shall receive an annual salary of fifteen hundred (\$1,500) dollars, payable as other State officers. Said deputy labor commissioner shall, upon entering upon the duties of his office, recommend and the secretary of State appoint one stenographer who shall receive an annual salary of twelve hundred (\$1,200) dollars, payable as other State officers. [L. 1909.]

**Duties of Commissioner—Statistics—Report to General Assembly**—Sec. 2. Statistics. The duties of the commissioner shall be to collect, 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 estimated number of persons employed by the several industries within the state, 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 mining.

Third—In mechanical and manufacturing industries.

Fourth—In transportation.

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

Sixth—The amount of cash capital invested in lands, in building and machinery, severally, 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 within the State.

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

Ninth—The sanitary conditions of lands, workshops, dwellings; the number and size of rooms, occupied by the workers, etc.; the cost of fuel, rent, 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 and the condition of the Chinese in the State; their social and sanitary habits; number of married and single; the number employed and the nature of their employment; the average wages per day at each employment, and the gross amount yearly; the amount expended by them in rent, food and clothing, and in what proportion such amounts are expended for foreign and home productions respectively; to what extent their labor comes in competition with the other industrial classes of the State.

Eleventh—The number, condition and nature of the employment of the inmates of the state prison, 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.

Twelfth—All such other information in relation to labor as the commissioner may deem essential to further the objects sought to be attained by this statute.

Thirteenth—A description of the different kinds of labor organizations in existence in the State, and what they accomplish in favor of the class for which they were organized. [M. R. S. 301.]

**Officer Furnish Information—Penalty for Refusal—Section 3.** It shall be the duty of all State, county and precinct officers, every owner, operator, or manager of every factory, workshop, mill, mine or mercantile establishment doing business in the State of Colorado where labor is employed to make to the bureau upon blanks furnished by said bureau such reports and returns as the commissioner or his deputies may require for the purpose of compiling all statistics as are authorized by the law creating the department of the Bureau of Labor Statistics, and the owner or business manager shall make such reports and returns within the time prescribed therefor by the deputy commissioner of labor, and shall certify to the correctness of the same. In the report of said bureau no use shall be made of the names of individuals, firms or corporations supplying the information called for by this section, such information being deemed confidential and not for the purpose of disclosing personal affairs. Any refusal on the part of any State, county, precinct, municipal officers, or the owners, operators or managers of any factory, workshop, mill, mine or mercantile establishment to make returns to the deputy commissioner of labor or his deputy shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less



than fifty (\$50) dollars nor more than one hundred (\$100) dollars, or by imprisonment not less than ten days nor more than thirty days in the county jail, or by both such fine and imprisonment at the discretion of the court.

**Penalty for Obstructing Commissioner**—Section 4. Any person who wilfully impedes or obstructs the commissioner in the full and free performance of his duties, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten (10) nor more than fifty (50) dollars, or imprisonment not less than seven (7) nor more than thirty (30) days in the county jail, or both. (M. R. S. 3905.)

**Office of Bureau—Office Hours**—Section 5. The office of the bureau shall be open for business from nine o'clock a. m. until five 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. (M. R. S. 3906.)

**Powers of Commissioner—Enforcement of Laws**—Section 6. The deputy commissioner shall have power to send for persons whenever in his opinion it is necessary and he may examine witnesses under oath, being hereby authorized 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 deputy commissioner.

It shall also be the duty of the deputy labor commissioner to cause to be enforced all laws regulating the employment of children, minors and women; all laws established for the protection of the health, lives and limbs of all operators in factories, mills, mines, workshops, offices, bakeries, laundries, stores, hotels, railroads, or any public or private works where labor is employed or machinery used; and all laws enacted for the protection of wage workers. (L. 1909.)

**The Office**—Section 7. The secretary of state shall provide a suitable office for said commissioner, properly furnished. (M. R. S. 3908.)

**Adjustment of Labor Disputes—Arbitration—Notices Served—Failure to Obey Subpoena—Misdemeanor**—Section 9. It shall be the duty of the deputy State Labor Commissioner upon learning of any employer or employes having differences to visit the location of such differences and to make a careful inquiry into the causes thereof, and to advise the respective parties what, if anything, ought to be done or submitted to, by both, to adjust said disputes; and should said parties still fail to agree to a settlement through said deputy labor commissioner's efforts, then the said commissioner shall endeavor to have said parties consent in writing to submit their differences to a board of arbitration to be chosen from the citizens of the State as follows, to wit:

Said employer shall appoint one, and said employes shall appoint one, and these two shall select a third. In the event of the failure of the two to select a third, the deputy labor commissioner shall select the third member, the three so selected to constitute the board of arbitration, and the findings of said board of arbitration to be final.

The proceedings of said board of arbitration shall be held before the deputy commissioner of labor who shall act as moderator or chairman, without privilege of voting, and who shall keep a record of the proceed-

ings, and have the authority to administer oaths, issue subpoenas for the attendance of any witnesses said board may deem necessary to summon.

Any notice or process issued by the board of arbitration herein created shall be served by the sheriff, coroner, constable, or special officer to whom the same may be directed or in whose hands the same may be placed for service, and the same fees shall be paid as for service of like process in courts of record.

Upon the failure of the deputy labor commissioner in any case to secure a settlement of differences or the creation of a board of arbitration it shall be his duty to secure a sworn statement from each party to the dispute of the facts upon which their dispute and their reason for not submitting the same to arbitration are based. Any sworn statement made to the deputy labor commissioner under this provision shall be for public use and shall be given publicity in such newspapers as desire it. A failure on the part of either party to a dispute to furnish such sworn statement to the deputy labor commissioner or his deputy, or a failure of any person to obey a subpoena issued by said deputy labor commissioner shall be considered a misdemeanor and shall be punishable by fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars, or imprisonment of not less than ninety (90) days, or both fine and imprisonment at the discretion of the court.

**Commissioner Issue Bulletin**—Section 10. The Commissioner of the bureau of labor statistics of the state of Colorado, is hereby authorized by the provisions of this act to compile and issue every three months in each calendar year a four page bulletin containing statistics pertaining to labor or industries of the state, so that the public may have the benefit of immediate information on such subject as is contained in the bulletin. (M. R. S. 3910.)

**Number to Be Issued**—Section 11. Not more than three thousand copies of said bulletin shall be issued quarterly and distributed free to the public, the printing of said bulletins shall be paid for in the same manner and from the same fund as state officers' reports; Provided, That nothing contained in this act shall in any manner affect an act of 1887, creating the state bureau of labor statistics and specifying the duties of the commissioner thereof. (M. R. S. 3911.)

### CHILD LABOR LAW.

**Age Limit Defined**—Section 1. That no child under the age of four years shall be employed, permitted or suffered to work at any gainable occupation in any theatre, concert hall or place of amusement where intoxicating liquors are sold, or in any mercantile institution, store, office or hotel, laundry, manufacturing establishment, bowling alley, passenger or freight elevator, factory or workshop, or as a messenger or driver therefor, within this State. That no child under the age of fourteen years shall be employed at any work performed for wages or other compensation, to whomsoever payable, during any portion of any month when the public schools of the town, township, village or city in which he or she resides, are in session, nor be employed in any work before the hour of seven o'clock in the morning, or after the hour of eight o'clock in the

evening; provided, that no child shall be allowed to work more than eight hours in any one day.

**Employments, Injurious**—The General Assembly of the State of Colorado does hereby declare that all occupations or employments in which children are forbidden to engage by the provisions of this Act shall be and hereby declared to be injurious or dangerous to health, life or limb. The employments or occupations permitted under this Act, under the sections hereof providing for exemptions shall be considered injurious or dangerous to health, life or limb, unless it shall appear from the evidence produced before the authorities permitted to grant such exemptions that, in their opinion, the injury or danger to health, life or limb has been removed; provided, also that where conditions are such as to justify granting a permit exempting children from the provisions of this act to take part in concerts and theatrical performances and where such permits have been granted the performances of such children shall be construed to be a part of their training and education.

**Permits**—Nothing in this Act shall be construed to prevent the employment of children in any fruit orchard, garden, field or farm, provided that any child under fourteen years of age engaging in such employment for persons other than their own parents must first secure a permit from the superintendent of schools in accordance with the provisions of section fifteen of this Act. The hours of work during each day, or in any week shall be in compliance with the provisions of this Act as to the hours during any day or week when children may be employed.

**Employments declared unlawful**—Section 2. It shall be unlawful for any person having the care, custody or control of any child under the age of sixteen years, or apparently under the age of sixteen years, to exhibit, use or employ such child as an actor or performer in any concert hall or room where intoxicating liquors are sold or given away, or in any variety theatre, or for any illegal, obscene, indecent or immoral purpose, exhibition or practice whatsoever, or for any business, or in any place, situation or exhibition or vocation injurious to the morals or health, or dangerous to the life or limb of such child, or cause, procure or encourage such child to engage therein. Nothing in this section contained shall apply to or effect the employment or use of any such child as a singer or musician in any church, school or academy, or the teaching or learning the science or practice of music, or in the physical development of its body in any respectable gymnasium or natatorium; Provided, that any child may be permitted to take part in any concert or any theatrical exhibition that is being given for profit with the written consent of the authority provided by this Act for the granting of permits to children for exemptions from the provisions of this Act.

Nothing in this Act shall be construed to prevent children taking part in what are known as amateur entertainments or theatricals for charity or not for profit in schools, churches, settlement houses, or boys' or girls' clubs.

**Hazardous Occupations**—Section 3. It shall be unlawful for any person, firm, or corporation to take, receive, hire or employ any child or children under sixteen years of age in any underground works or mine, in or about the surface workings thereof, or in any smelter, coke oven

or to adjust any belt to any machinery, or to operate or assist in operating circular or band saws, wood-shapers, wood-jointers, planers, sand-paper or wood-polishing machinery, emery or polishing wheels used for polishing metal, wood-turning or boring machinery, stamping machines in sheet-metal and tinware manufacturing, stamping machines washer and nut factories, operating corrugating rolls, such are used in roofing factories, nor shall they be employed in operating any passenger or freight elevators, steam boiler, steam machinery or other steam generating apparatus, or automobiles, wire or iron straightening machinery; nor shall they operate or assist in operating rolling mill machinery punches or shears, washing, grinding or mixing mill or calendery rolls in rubber manufacturing, nor shall they operate or assist in operating laundry machinery, nor shall children be employed in any capacity in preparing any composition in which dangerous or poisonous acids are used, and they shall not be employed in any capacity in the manufacture of paints, colors or white lead; nor shall they be employed in any capacity whatever in the manufacture of goods for immoral purposes; nor shall females under the age of sixteen years of age be employed in any capacity whatsoever where such employment compels them to remain standing constantly. No female child under ten years of age, shall sell or be permitted or allowed to sell or distribute any newspapers, periodicals or other publication or any article of merchandise or to engage in or carry on any other business or occupation in the streets or alleys of any town or city.

**Employers keep register**—Section 4. It shall be the duty of every person, firm or corporation, agent or manager of any firm or corporation employing minors over 14 years and under 16 years of age in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, theatre, concert hall or place of amusement, passenger or freight elevator, factory or workshop or as a messenger or driver therefor, within this State, to keep a register in said mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, theatre, concert hall or place of amusement, factory or workshop in which said minors shall be employed or permitted or suffered to work, in which register shall be recorded the name, age and place of residence of every child employed or suffered or permitted to work there, or as messenger or driver therefor, over the age of fourteen and under the age of 16 years; and it shall be unlawful for any person, firm or corporation agent or manager of any firm or corporation to hire or employ, or permit or suffer to work in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley; theatre, concert hall or place of amusement, passenger or freight elevator, factory or workshop, or as messenger or driver therefor, any child under the age of 16 years and over 14 years of age, unless there is first produced and placed on file in such mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, factory or workshop, theatre, concert hall or place of amusement, an age and school certificate approved as hereinafter provided.

**List of Children employed to be posted in work room**—Section 5. Every person, firm or corporation, employing or permitting or suffering to work five or more children under the age of 16 years and over the age



of 14 in any mercantile institution, store, office, laundry, hotel, manufacturing establishments, factory or workshop, shall post and keep posted in a conspicuous place in every room in which such help is employed, or permitted or suffered to work, a list containing the name, age and place of residence of every person under the age of 16 years employed, permitted or suffered to work in such room.

**Age and school certificate**—Section 6. No child permitted to be employed under this act shall be employed in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, theatre, concert hall, or place of amusement, passenger or freight elevator, factory or workshop, or as messenger or driver therefor, unless there is first produced and placed on file in such mercantile institution, store, office, hotel, laundry, manufacturing establishments, bowling alley, theatre, concert hall or place of amusement, factory or workshop, and accessible to the State Factory Inspector, assistant factory inspector or deputy factory inspector, an age and school certificate as hereinafter prescribed; and unless there is kept on file and produced on demand of said inspectors of factories a complete and correct list of all the minors under the age of 16 years so employed who cannot read at sight and write legibly simple sentences, unless such child is attending night school as hereinafter provided.

**Age and school certificate—How approved**—Section 7. An age and school certificate shall be approved only by the superintendent of schools or by a person authorized by him in writing; or where there is no superintendent of schools, by a person authorized by the school board; Provided, that the superintendent or principal of a parochial school shall have the right to approve an age and school certificate, and shall have the same rights and powers as the superintendent of public schools to administer the oaths therein provided for children attending parochial schools; Provided further, that no member of a school board or other person authorized as aforesaid shall have authority to approve such certificates for any child then in or about to enter his own establishment, or the employment of a firm or corporation of which he is a member, officer or employe. The person approving these certificates shall have authority to administer the oath provided herein, but no fee shall be charged therefor. It shall be the duty of the school board or local school authorities to designate a place (connected with their office, when practicable) where certificates shall be issued and recorded, and to establish and maintain the necessary records and clerical service for carrying out the provisions of this Act.

**Proof of age**—Section 8. An age and school certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the certificate of birth or baptism of such child, the register of birth of such child with a town or city clerk, or by the records of the public or parochial schools, that such child is of the age stated in the certificate: Provided, that in cases arising wherein the above proof is not obtainable, the parent or guardian of the child shall make oath before the juvenile or county court or any officer thereof as to the age of such child, and the court may issue to such child an age certificate as sworn to.

**Employment ticket**—Section 9. The age and school certificate of a child under 16 years of age shall not be approved and signed until he



presents to the person authorized to approve and sign the same a school attendance certificate, as hereinafter prescribed, duly filled out and signed. A duplicate of such age and school certificate shall be filled out and shall be forwarded to the State Factory Inspectors office. Any explanatory matter may be printed with such certificate, in the discretion of the school board or superintendent of school. The employment and the age and school certificates shall be separately printed and shall be filled out, signed and held or surrendered as indicated in the following forms:

#### SCHOOL CERTIFICATE.

(Name of school.)

(City or town and date.)

This certifies (name of minor) of the .....th grade, can read and write legibly simple sentences. This also certifies that according to the records of this school, and in my belief, the said (name of minor) was born at (name of city or town), in (name of county), on the (date) and is now (number of years and months) old.

(Name of parent or guardian.)

(Residence.)

(Signature of teacher).....grade.

(Name of principal.)

#### EVENING SCHOOL ATTENDANCE CERTIFICATE.

(Date.)

This certifies that (name of minor) is registered in and regularly attends the.....evening school. This also certifies that according to the records of my school and in my belief the said (name of minor) was born at (name of city or town), on the.....day of (years), and is now (number of years and months) old.

(Name of parent or guardian.)

(Residence.)

(Signature of teacher.)

(Signature of principal.)

#### AGE AND SCHOOL CERTIFICATE.

This certifies that I am (father, mother, guardian or custodian) of (name of minor), and that (he or she) was born at (name of town or city), in the (name of county, if known) and State and county of..... on the (day of birth and year of birth) and is now (number of years and months) old.

(Signature of parent, guardian or custodian.)

(City or town and date.)

There personally appeared before me the above named (name of person signing) and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge. I hereby approve the foregoing certificate of (name of child) height (feet and inches), weight..... complexion (fair or dark), hair (color), having no sufficient reason to doubt that (he or she) is of the age therein certified.

**Owner of certificate.**—This certificate belongs to (name of child in whose favor it is drawn) and is to be surrendered to (him or her) when-

ever (he or she) leaves the service of the corporation or employer holding the same; but if not claimed by said child within thirty days from such time it shall be returned to the superintendent of schools, or where there is no superintendent of schools, to the school board. (Signature of person authorized to approve and sign, with official character authority) (town or city and date.)

**Illiteracy**—In the case of a child who cannot read at sight and write legibly, simple sentences, the certificate shall continue as follows: after the words sentences: "I hereby certify that (he or she) is regularly attending the (name of public or parochial evening school)." This certificate shall continue in force just as long as the regular attendance of said child at said evening school is certified weekly by the teacher and principal of such school.

**Evening school**—In any city or town in which there is no public or parochial evening school, an age and school certificate shall not be approved for a child under the age of 16 years who can not read at sight and write legibly simple sentences, the certificate of the principal of a public or parochial school shall be prima facie evidence as to the literacy or illiteracy of the child.

**Schooling required**—Section 10. No person shall employ any minor over 14 years of age and under 16 years, and no parent, guardian or custodian shall permit to be employed any such minor under his control who can not read at sight and write legibly simple sentences, while a public evening school is maintained in the town or city in which such minor resides, unless such minor is a regular attendant at such evening school.

**Duties of State Inspectors of factories**—Section 11. The State Inspector of Factories, his assistants or deputies, shall visit all mercantile institutions, stores, offices, laundries, manufacturing establishments, bowling alleys, theatres, concert halls or places of amusements, factories or workshops, and all other places where minors are or may be employed in this State, and ascertain whether any minors are employed contrary to the provisions of this Act. Inspectors of factories may require that age and school certificates, and all lists of minors employed in such factories, workshops, mercantile institutions and all other places where minors are employed as provided for in this Act, shall be produced for their inspection on demand. And, provided, further, that upon written complaint to the school board or local school authorities of any city, town, district or municipality, that any minor (whose name shall be given in such complaint) is employed in any mercantile institution, store, office, laundry, manufacturing establishment, bowling alley, theatre, concert hall or place of amusement, passenger or freight elevator, factory or workshop, or as messenger or driver thereof, contrary to the provisions of this Act, it shall be the duty of such school board or local school authority to report the same to the State Inspector of Factories.

**Hours of labor**—Section 12. No person under the age of 16 years shall be employed or suffered or permitted to work at any gainful occupation more than forty-eight hours in any one week, nor more than eight hours in any one day; or after the hours of 8:00 o'clock in the evening.

Every employer shall post in a conspicuous place in every room where such minors are employed, a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or other meals begins and ends. The printed form of such notice shall be furnished by the State Inspector of Factories, and the employment of any such minor for longer time in any one day so stated shall be deemed a violation of this section.

**Prima facie evidence of a child's employment—Section 13.** The presence of any person under the age of 16 years in any manufacturing establishment, factory or workshop shall constitute prima facie evidence of his or her employment therein.

**Enforcement of the provisions of this act—Section 14.** It shall be the special duty of the State Factory Inspector to enforce the provisions of this Act and to prosecute all violations of the same before any magistrate of any court of competent jurisdiction in this State. It shall be the duty of the State Factory Inspector, Assistant State Factory Inspector and deputy State factory inspectors under the supervision and direction of the State Factory Inspector, and they are hereby authorized and empowered to visit and inspect, at all reasonable times, and as often as possible, all places covered by this act; provided, that this act shall not be construed to repeal any law of this state imposing duties or responsibilities upon any other officer or person to make inspections or bring prosecutions for the violation of any school law or any other law of this state for the protection of children.

**Exemptions—Section 15.** Any child may be exempted from the provisions of this Act concerning the employment of children in any concert or theatrical exhibition or performance in any place where intoxicating liquors are not sold, and between the ages of fourteen and sixteen, from any other provisions of this Act, except the provisions of Section three (3), on the following conditions: Any such child, its parent or person seeking to employ such child shall file an application in writing with the City Superintendent of Schools if there be any such city superintendent of schools—and if not, then with the County Superintendent of Schools, or any person deputized by them to receive and act upon such application, stating his or her age, residence, address, school attendance, grade, names of parent, parents or guardian, and in detail the nature of employment sought, the number and character of the performances, the kind of work required and the name of the employer and such facts as may be required to enable such person to pass intelligently upon such application. Within not less than 48 hours of the filing of such application, it shall be the duty of such officer to hear and determine such application, and if the same shall be granted, such officer granting the same, shall issue a written permit to such child, stating therein his reasons for such permit. If such application is refused, the child or the person making the same for the child shall be entitled upon demand, within 24 hours after such refusal, to be furnished with a written statement of the reasons of such officer for refusing to issue such permit. An appeal may be taken from the decision of such officer so passing upon such application to the County or Juvenile Court of the county in which

such application is made, upon such child, its parent or guardian or any person interested in the protection of such child filing a brief written petition with the clerk of said court, with a copy of such refusal to grant such permit; provided, such appeal is taken within ten days after the refusal to issue such permit. No fee shall be charged for any such application or on account of any such appeal. No permit shall be granted under the provisions of this section to any child to be employed in any concert or theatrical exhibition or performance unless it shall be made to appear that suitable provisions have been made by the employer of such child for the protection of the moral and physical health and the education of such child. The person passing upon such application or any court before whom such matter may be brought for final determination, may, as a condition to granting such permit, make such reasonable terms and conditions as shall seem necessary and proper for safeguarding the moral and physical health of such child and giving it such educational advantages as may seem to be for its best interests. And it shall be lawful to attach as a condition to any such permit mentioned in this section a written promise of the employer of such child to comply with the terms thereof and a bond or undertaking to the People of the State of Colorado in the penal sum to be fixed by the court, not exceeding Two thousand dollars (\$2,000), with one or more sureties may be required by the court of such employer conditioned that he will faithfully carry out the terms and conditions upon which such permit may be granted. Permits or copies certified to as correct by the authorities issuing the same granting exemptions from this act for children to appear in any concert or theatrical performances shall be kept on file at the box office of concert halls or theatre in which any such child may appear under such permits. All such permits shall be subject to inspection by the Humane Society and probation officers and factory inspectors. Any person may apply to the County or Juvenile Court to have the exemption permitted by this act revoked by such court by filing with the clerk of the court a short petition setting up the facts showing that the conditions of the permit granting such exemption have been violated, or that it is not for the best interest of such child to have such permit or exemption. Whereupon, the court shall issue a summons or notice to such child and to at least one of its parents or guardian, if there be such parent or guardian in the county, requiring them to appear before such court within not less than forty-eight hours to show cause why the prayer of such petition should not be granted or such permit or exemption should not be revoked. During that part of the months of June, July and August when the public schools are not in regular session, children over twelve years of age shall be entitled to exemptions from the provisions of this Act, permitted by section fifteen, upon complying with the conditions and receiving the permit provided for in said section.

**Penalties—Section 16.** Whoever, having under his control a child under the age of 16 years, permits such child to be employed in violations of the provisions of this Act, shall for each offense be fined not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00), and shall stand committed until such fine and costs are paid. A failure to produce to the inspector of factories, his assistant or deputies, any age



and school certificates or lists required by this Act, shall constitute a violation of this Act, and the person so failing shall, upon conviction, be fined not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each offense. Every person authorized to sign the certificate prescribed by section 7 of this Act, who certifies to any materially false statement therein, shall be guilty of a violation of this Act, and upon conviction be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100) for each offense, and shall stand committed until such fine and costs are paid. Any person, firm or corporation, agent or manager, superintendent or foreman of any firm or corporation, whether for himself or for such firm or corporation, or by himself or through sub-agents or foreman, superintendent or manager, who shall violate or fail to comply with any of the provisions of this Act, or shall refuse admittance to premises, or otherwise obstruct the factory inspector, assistant factory inspector or deputy factory inspector in the performance of their duties, as prescribed by this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100) for each offense, and shall stand committed until such fine and costs are paid.

It is the intention and purpose of this act to extend personal responsibility to the president and general manager of any corporation for violation of this Act by any foreman, superintendent or sub-manager or sub-agent.

Section 17. Any person, agent, firm or corporation who shall be convicted of a second violation of any provision of this Act, shall be fined in a sum not less than One Hundred Dollars (\$100), or more than Five Hundred dollars (\$500) or be imprisoned in the county jail for not to exceed ninety (90) days or by both such fine and imprisonment, in the discretion of the court.

Section 18. Nothing in this Act shall be held in any manner to effect any indictment, trial, writ of error, appeal or other proceeding, judgment or sentence in any case now pending or which may be now filed in any court of this state, for the violation of any act or section thereof which may be held to be repealed by this Act, but the same shall be held, construed and adjudged as provided by the law enforced before this Act shall take effect, and any offense under the provisions of any Act in any section thereof, which may be construed to be repealed by this Act, which shall have been committed before this Act takes effect, shall be required of, prosecuted and punished in accordance with the law in force at the time of the commission of such offense.

Section 19. This Act shall not be construed to repeal any part of an Act to compel the elementary education of children in school districts of the first and second class, as approved April 12, 1899, and as amended and approved March 7, 1903, An Act to Prescribe and Regulate the Hours of Employment for Women and Children in Mills, Factories, Manufacturing Establishments, Shops, Stores, and Any Other Occupation Which May Be Deemed Unhealthful and Dangerous, approved April 11, 1903, and any other Act concerning or regulating child labor in this state which may conflict with this Act, is hereby repealed.



Nothing in this Act shall be construed to repeal any Act or law of this State concerning the dependency or delinquency of children or persons causing, encouraging or contributing thereto.

Approved May 30th, 1911.

#### COAL MINES.

**Boilers Inspected**—All boilers used in generating steam in and about coal mines and collieries shall be kept in good order, and the owner or agent, as aforesaid, shall have said boilers examined and inspected, by competent boiler maker or other well qualified person as often as once every six months, and the result of every such examination shall be certified in writing to the mining inspector; and every steam boiler shall be provided with a proper steam gauge, water gauge, and safety valve; and all underground, self-acting or engine planes, or gauge-ways, on which coal cars are drawn and persons travel, shall be provided with some proper means of signaling between the stopping places and the ends of said planes or gauge-ways; and sufficient places of refuge, at the sides of said planes or gauge-ways, shall be provided at intervals of not more than fifty feet apart; and there shall be cut, in the side of every hoisting shaft, at the bottom thereof, a traveling-way, sufficiently high and wide to enable persons to pass the shaft in going from one side of the mine to the other, without passing over or under the gauge or hoisting apparatus. [Mills Ann. Stats., 3187.]

**Injury to Mines**—Any miners, workmen, or other person, who shall intentionally injure any shaft, lamp, instrument, air course or brattice, or obstruct or throw open air ways, or open a door and not close it again, or carry lighted pipes or matches into places that are worked by safety lamps, or handle or disturb any part of the machinery, or enter any place of the mine against caution, or who wilfully neglects or refuses to securely prop the roof of any working place under his control, or disobey any order given in carrying out the provisions of this act, or do any other act where the lives or the health of persons, or the security of mines or machinery is endangered, shall be deemed guilty of a misdemeanor, and upon conviction may be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or may be imprisoned in the county jail not less than thirty days, nor more than one year, or may be punished by both such fine and imprisonment, at the discretion of the court. [Mills Ann. Stats., 3190.]

**Injury to Person**—For any injury to person or property occasioned by any violation of this act, or any wilful failure to comply with its provisions by any owner or lessee or operator of any coal mine or opening, a right of action against the party at fault shall accrue to the party injured for the direct damages sustained thereby, and in any case of loss of life by a reason of such violation or failure, a right of action against the owners and operators of such coal mine or colliery shall accrue to the widow and lineal heirs of the person who shall be lost, for like recovery of damages for the injury they shall have sustained. [Mills Ann. Stats., 3192.]

**When Act Applies**—The provisions of this act shall not apply to or affect any coal mine in which not more than ten men are employed

underground during each twenty-four hours, but on the application of the proprietor, or of the miners in any such mine, or when the mine inspector may deem it necessary, said mine inspector shall make or cause to be made, an inspection of such mine, and shall direct and force any regulations in accordance with the provisions of this act that he deems necessary for the safety and health of miners. [Mills Ann. Stats., 3193.]

**Duties of Inspectors and Deputies**—The inspector of coal mines and his deputies shall devote the whole of their time to the duties of their office. It shall be the duty of the inspector or his deputies to enter into and thoroughly examine all coal mines in the State in which more than ten men are employed, at least once each quarter, to see that all the provisions of this act are observed and strictly carried out, and the inspector or his deputy or deputies, or both, may enter, inspect and examine any coal mine in the State, and the works and machinery belonging thereto, at all reasonable times, by night or day, but so as to not unnecessarily obstruct or impede the workings of the mine; and the owner or any agent of such mine is hereby required to furnish the means necessary for such entry and inspection.

The inspector shall make to the Governor of the State a biennial report, which shall show the number of coal mines, and development on the same during each year, and the persons employed in and about each mine, and the extent to which the law is obeyed, the progress made in the improvement sought to be secured by the passage of this act; the number of accidents and deaths resulting from injuries received in coal mines, as also statistics showing output of coal and development made annually at each mine, with all facts concerning the production and transportation of coal to market, and other facts of public interest coming under the provisions of this act; which record shall be filed in the inspector's office. The Secretary of State is hereby authorized to have printed two thousand copies of said biennial report at the expense of the State, for distribution [distribution] to members of the Legislature, mine owners, superintendents and others interested in coal mines; said report shall be printed on or before December 31st preceding the biennial session of the Legislature. And the inspector is hereby authorized to employ three deputy inspectors whose salaries shall not exceed the sum of two thousand dollars each per year; and to employ a clerk whose salary shall not exceed the sum of twelve hundred dollars in any one year, which said salaries shall be paid out of any moneys appropriated for that purpose on certificate of said State inspector of coal mines showing the services rendered and the amount thereof; and upon presentation of said certificates to the State Auditor by the person entitled thereto, he shall issue his warrants on the State Treasurer for the amount thereof, to be paid out of any appropriation as aforesaid; the said inspector shall be allowed the actual and necessary traveling expenses actually paid out by him or his deputies, in the active discharge of their duties. [Sess. L. '07, 273, 1.]

**Daily Inspection**—The mining boss, or other competent person, shall make daily inspection of ropes, chains, cages and other hoisting appliances, guides, and shaft timbers, and make a record of such daily inspection in a book kept at the office of the mine, for that purpose, and

the fire boss shall keep a daily record of any defects in the ventilating appliances, and any standing gas that may be found in said mine, designating the entry and room in which said gas is found. Each of the records herein required to be kept, shall be open at all times to the mine inspector's and miners' committee's inspection, and a copy thereof shall be filed in the office of the said mine inspector on the first Monday of December of each year. [Mills Ann. Stats., 3199.]

**Penalty for Violation**—The neglect or refusal to perform the duties required to be performed by any section of this act, or the violation of any of the provisions hereof, shall be deemed a misdemeanor, and any person so neglecting or refusing to perform such duties, or violating such provisions, shall, upon conviction, be punished by a fine of not less than one hundred dollars, nor exceeding five hundred dollars, at the discretion of the court; and all penalties recovered under this act shall be paid into the treasury of the State. [Mills Ann. Stats., 3200.]

**Persons Allowed to Examine**—In all coal mines in the State, the miners employed and working therein, the owners of the land, or other persons interested in the rental or royalty of any such mine, shall at all proper times have full right of access to, and examinations of, all scales, machinery, or apparatus used in or about such mine; to determine the quality of the coal mined, for the purpose of testing the accuracy of all such scales, machinery, or apparatus; and such land-owners or other persons may designate or appoint a competent person to act for them, who shall at all proper times have full right of access to, and examination of, such scales, machinery, or apparatus, and seeing all weights and measures of coal mined, and the accounts kept of the same; but not more than one person, on behalf of the land-owners, or other persons interested in the rental or royalty, jointly, shall have such right of access, examination and inspection of scales, weights, measures and accounts, at the same time, and that such person shall make no unnecessary interference with the use of such scales, machinery, or apparatus, and the miners employed in any mine may, from time to time, appoint two of their number to act as a committee to inspect, not oftener than once in every month, the mine and machinery connected therewith, and to measure the ventilating current, and if the owner, agent, or manager so desires, he may accompany said miners, by himself, or two or more persons whom he may appoint for that purpose. The owner, agent, or manager shall afford every necessary facility for making such inspection and measurement; but the said miners shall not, in any way, interrupt or impede the work going on in the mine at the time of such inspection and measurement. [Mills Ann. Stats., 3189.]

**Appointment of Inspectors**—Within four months of the date of the passage of this act the Judges of the District Court shall appoint four reputable coal miners of known experience and practice at the time, and the Governor shall appoint one mining engineer of like repute and experience and practice at the time, who shall constitute a board of five examiners, whose duty it shall be to inquire into the character and qualifications of candidates for the office of inspector of mines, under the provisions of this act. The examiners first appointed in pursuance of this section shall meet in the city of Denver on the 20th day of July

next, and after being duly organized, having taken and subscribed before any officer duly authorized to administer the same the following oath, namely: We, the undersigned, do solemnly swear (affirm) that we will perform the duties of examiners of applicants for appointment as inspector of coal mines, to the best of our abilities, and that in recommending or rejecting said applicants, we will be governed by the evidence of qualifications to fill the position under the law creating the same, and not by any consideration of political or personal favors; that we will certify all whom we may find qualified according to the true intent and meaning of the act, and none others, to the best of our judgment—shall proceed to the examination of those who may present themselves as candidates for said office; and shall certify to the Governor the names of all such applicants as any four of the examiners shall find competent to fill the office, under the provisions of this act, which shall be filed in the office of the Secretary of State. The qualifications of candidates [candidates] for said office of inspector of mines to be inquired into and certified by said examiners shall be as follows, namely: They shall be citizens of the United States, of temperate habits, of good repute as men of personal integrity, shall have obtained the age of thirty years, and shall have had at least one year's experience in the workings of the coal mines of Colorado, and five years of practical experience in the workings of coal mines in the United States, and have a practical knowledge of mining engineering and of the different systems of working and ventilating coal mines, and of the nature and properties of the noxious and poisonous gases of mines, particularly fire-damp. The board of examiners shall receive six dollars per day, and the same mileage as is allowed to members of the Legislature, to be paid out of the State treasury upon the filing of the certificates of the examining board in the office of the Secretary of State, as herein provided. The Governor shall, from the names so certified, appoint the person possessing the best qualifications to be inspector of coal mines, whose commission shall be for the term expiring January 1, 1887, or until his successor is appointed and confirmed by the Senate. As often as vacancies in said office of inspector of mines shall occur by death, resignation or malfeasance in office, which shall be determined in the same manner as in the case of any other officer of the State government, the Governor shall fill the same by appointment for the unexpired term, from the names on file in the office of the Secretary of State, as hereinbefore mentioned as having passed examination. Every four years from January 1st, A. D. 1883, the Governor shall appoint one mining neginer as before, and shall notify the judges of four of the judicial districts of the State containing coal mines, selecting them in such order as to allow each district an equal share of such appointments, each to appoint one miner, and the five so appointed shall constitute a new board of examiners, whose duties, term of service and compensation shall be the same as those provided for by this section, and from the names that may be certified by them the Governor shall appoint the inspector of mines provided for in this act; nothing in this act shall be construed to prevent the re-appointment of any inspector of coal mines. The inspector of coal mines shall receive for his services an



annual salary of Twenty-five Hundred Dollars and ten cents per mile for all distances traveled in the discharge of his official duties, to be paid monthly by the State Treasurer, and said inspector shall reside in the State and shall keep an office at the Capitol or other building in which the offices of the State are located. Each inspector is hereby authorized to procure such instruments and chemical tests and stationery from time to time, as may be necessary for the proper discharge of his duties under this act, at the expense of the State, which shall be paid by the State Treasurer upon accounts duly certified by him and audited by the proper department of the State. All instruments, plans, books, memoranda, notes, et cetera, pertaining to the office shall be the property of the State, and shall be delivered to their successors in office. [Sess. L. '07, p. 275, 1.]

**Persons Disqualified for Inspectors**—No person acting as a manager or agent of any coal mine, or as a mining engineer for any coal mining company, or to be interested in operating any coal mine, shall at the same time act as an inspector of coal mines under this act. [Mills Ann. Stats., 3196.]

**Bond and Oath of Inspector**—The inspector of coal mines shall, before entering upon the discharge of his duties, give bond, in the sum of five thousand dollars, with sureties to be approved by the Judge of the District Court in which he resides, conditioned for the faithful discharge of his duty, and take an oath (or affirmation) to discharge his duties impartially and with fidelity to the best of his knowledge and ability. [Mills Ann. Stats., 3195.]

**Notice of Accidents**—Whenever loss of life, or serious personal injury, shall occur, by reason of any explosion, or of any accident whatsoever, in or about any coal mine, or colliery, it shall be the duty of the owner or agent thereof to give notice to the mine inspector, and if any person is killed thereby, to the coroner of the county also, and the inspector shall immediately go to the scene of said accident and render such assistance as he may deem necessary for the safety of the men, and shall ascertain, by the testimony before the coroner, or by taking other evidence, the cause of such explosion or accident, and file record thereof in his office. [Mills Ann. Stats., 3188.]

**Outlets for Employes**—It shall not be lawful, after six months from the passage of this act, for the owner or agent of any coal mine, wherein over fifteen thousand square yards have been excavated, to employ or permit more than fifteen persons to work therein, except in opening shafts or outlets, unless there are to every seam of coal worked in each mine at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth, by which shafts or outlets distinct means of ingress or egress are always available to the persons employed in the mine, and air shafts, in which are constructed and maintained ladder-ways, shall be deemed and held to be an escape shaft within the provisions of this act, and no escape shaft shall be required; but it is not necessary for the two outlets to belong to the same mine; the second outlet need not be made until fifteen thousand square yards have been excavated in such mine, and to all other coal mines, whether opened and worked by shafts, slopes or drifts to such openings or out-



lets, must be provided within twelve months after fifteen thousand square yards have been excavated therein; and in case such outlets are not provided as herein stipulated, it shall not be lawful for the agent or owner of such mine to permit more than fifteen persons to work therein during each twenty-four hours. In case a coal mine has but one shaft, slope or drift for the ingress or egress of the men working therein, and the owner thereof does not own suitable surface ground for another opening, he may select and appropriate any adjoining land for that purpose, and for approach thereto, and shall be governed in his proceedings in appropriating such land by the provisions of law in force providing for the appropriation of private property by corporations, and such appropriation may be made whether he is a corporator or not; but no land shall be appropriated under the provisions of this act until the court is satisfied that suitable premises can not be obtained by contract upon reasonable terms. Escapement shafts or other communication with a contiguous mine, as aforesaid, shall be constructed in connection with every vein or stratum of coal worked in such coal mine or colliery, as provided herein. [Mills Ann. Stats., 3182.]

**Metal Tubes or Telephones—Safety Gates**—In all cases where the human voice can not be distinctly heard, the owner or agent shall provide and maintain a metal tube from top to bottom of the slope or shaft, or a telephone connection suitably adapted to the free passage of sound, through which conversation may be held between persons at the bottom and at the top of the shaft or slope; also the ordinary means of signaling to and from the top and bottom of the shaft or slope; and in the top of every shaft shall keep an approved safety gate and an approved safety catch, and sufficient cover over head on every carriage used for lowering and hoisting persons; and the said owner or agent shall see that sufficient flanges or horns are attached to the sides of the drum of every machine that is used for lowering and hoisting persons in and out of the mine, and also, that adequate brakes are attached thereto; the main link, attached to the swivel of the wire rope, shall be made of the best quality of iron and shall be tested by weights satisfactory to the inspector of mines of the State; and bridle chains shall be attached to the main link from the cross-pieces of the carriage; and no single link chain shall be used for lowering or raising persons into or out of said mine; and not more than five persons for each ton capacity of the hoisting machinery used at any coal mine, shall be lowered or hoisted by the machine at any one time. [Mills Ann. Stats., 3183.]

**Ventilation of Coal Mines**—The owner or agent of every coal mine or colliery, whether shaft, slope or drift, shall provide and maintain for every such mine an amount of ventilation not less than 100 cubic feet, and such additional number of cubic feet as may be ordered by said mine inspector, per minute, per person employed in such mine, and also an amount of ventilation not less than 500 cubic feet per minute for each mule, or horse, used in said mine, which shall be circulated and distributed throughout the mine in such a manner as to dilute and render harmless and repel the poisonous and noxious gases from each and every working place in the mine, and breakthroughs or airways shall be driven as often as the inspector of mines may order, at the different mines in-

spected by him, and all breakthroughs or airways, except those last made near the working faces of the mines, shall be closed up and made airtight, by brattice, trap doors or otherwise, so that the currents of air in circulation in the mine may sweep to the interior of the mine, where the persons employed in such mine are at work; and all mines governed by this statute shall be provided with artificial means of producing ventilation, when necessary, to provide a sufficient quantity of air, such as fanning, or suction fans, exhaust steam furnaces, or other contrivances of such capacity and power as to produce and maintain an abundant supply of air; but, in case a furnace shall be used for ventilating purposes, it shall be built in such manner as to prevent the communication of fire to any part of the works, by lining the upcast with an incombustible material for a sufficient distance up from the said furnace. All mines generating fire damp shall be kept free from standing gas, and every working place shall be carefully examined every morning with a safety lamp, by a competent person or persons, before any of the workmen are allowed to enter the mine; and the person making such examination shall mark, on the face of the workings, the day of the month; and in all mines, whether they generate fire damp or not, the doors used in assisting or directing the ventilation of the mine shall be so hung and adjusted that they will shut up of their own accord, and can not stand open; and the owner or agent shall employ a practical and competent inside overseer, to be called a "mining boss," who shall keep a careful watch over the ventilating apparatus, and the airways, traveling ways, pumps, timbers and drainage; also, shall see that, as the miners advance their excavations, that all loose coal, slate and rock overhead are carefully secured against falling in or upon the traveling ways, and that sufficient timber, of suitable lengths and sizes, is furnished for the places where they are to be used, and placed in the working places of the mines; and he shall measure the ventilation at least once a week, at the inlet and outlet, and also at or near the face of all the entries; and the measurement of air so made shall be noted on blanks, furnished by the mine inspector; and on the first day of each month the "mining boss" of each mine shall sign one of such blanks, properly filled, and forward the same by mail to said mine inspector, a copy of which shall be filed at the office of the coal company, subject to inspection by miners. [Mills Ann. Stats., 3184.]

**Engineers and Bosses Must Be Experienced—Children, Women and Illiterate Minors Not Work**—No person shall knowingly be employed as an engineer or mining boss, or take charge of any machinery or appliance whereby men are lowered into or hoisted out of any mine, but an experienced, competent and sober person; and no person shall ride upon a loaded wagon or cage used for hoisting purposes in any shaft or slope. No young person under twelve years of age, or woman or girl of any age, shall be permitted to enter any coal mine to work therein, nor any person under the age of sixteen years, unless he can read and write. [Mills Ann. Stats., 3185.]

**Safety Lamps**—All safety lamps, used for examining or working coal mines, shall be the property of the owner of the mine, and shall be under the charge of the agent thereof. The term "owner" in this act

shall mean the immediate proprietor, lessee, or occupier of any coal mine, or colliery, or any part thereof; and the term "agent" shall mean any person having, on behalf of the owner as aforesaid, the care and management of any coal mine, or colliery, or any part thereof. [Mills Ann. Stats., 3186.]

**Map of Mines**—That the owner or agent of such coal mine or colliery, in this State, employing ten or more men, shall make, or cause to be made, within six months after the passage of this act, an accurate map or plan of the workings of such coal mine or colliery, on a scale not exceeding one hundred feet to the inch, showing the bearings and distances of the workings, with the general inclinations of the strata, and any material deflections in such workings, and the boundary lines of such coal mine or colliery, which shall be kept for the use of the inspector, at the office of said mine in the county where such coal mine or colliery is located, and which shall be kept up every three months; and shall also deposit a true copy of such map or plan with the inspector of coal mines, and with the recorder of the county in which said coal mine or colliery is situated, to be filed in their respective offices; and said owner or agent shall cause, on or before the tenth day of January in every year, a statement of the workings of such coal mine during the year past, from the last report to the end of the December month just preceding, to be marked on the original map or plan of said coal mine or colliery; Provided, If the owner or agent of any coal mine shall neglect, or refuse, or for any cause fail, for the period of one month after the time prescribed, to furnish said map or plan as hereby required, or if the inspector shall find, or have reason to believe, said map or plan is (in) accurate in any material part, he is hereby authorized to cause a correct map or plan of the actual workings of such coal mine or colliery to be made, at the expense of the owner thereof, the cost of which shall be recoverable from said owner by an action, as in cases of other debts, and shall cause a copy of the same to be filed in the office of the Recorder of the county in which such coal mine or colliery is situated. [Mills Ann. Stats., 3181.]

**Protection Against Fire Damp and Fires—Magazines—Safety Appliances**—That the owner, agent or lessee of each coal mine or colliery in this State employing ten or more men shall, when working in close proximity to an abandoned mine or part of a mine containing water or fire damp, cause bore holes to be kept, at least twenty feet in advance of the coal face and sides of all working places in such mine or colliery, known to be approaching old and abandoned workings. Side holes to be not more than twenty-five feet apart and to a like depth; also that it shall not be lawful for any owner or agent operating vertical coal veins, to mine or extract coal from levels under any portion of said mine or adjoining mines where water exists, without first having pumped out such water. All veins pitching over seventy degrees shall be understood as vertical veins, under this act. And said owner or agent shall cause all abandoned shafts, air shafts, slopes, slack piles or cave holes to be securely and safely fenced off, and in all bituminous and lignite coal mines coming under the provisions of this act, the State inspector of coal mines shall have the authority to compel the owners,

agents or lessee of coal mines to remove any or all fine coal or slack which may accumulate in the working places or gobs, and where gob-fires or spontaneous combustion are known or even suspected to exist, a careful inspection shall be made daily of the workings, by the mine boss or another competent person, and if an increase of temperature be localized in any part of the gobs or other places, prompt action shall be taken to remove the heated gobs or debris, or extinguish the fire by water or other contrivance; but if the fire has already reached such proportions that it is impossible to extinguish it in that way, then it shall be the duty of the superintendent, or mine boss in the absence of the superintendent, to at once build suitable stoppings of double walls of a concave shape, and at least two feet apart, with ends, top and bottom, built into cuttings made into the coal or rock, and the center between the walls to be filled in with sand or other fine earthy matter, which shall be closely tamped, so as to fill up all cracks and crevices, the outside of said walls to be carefully plastered with lime and cement, so as to completely isolate the fire from air. Should combustion still be suspected to be going on, then steam, where practicable, shall be injected towards the fire from pipes in connection with boilers, and passing through said walls or stoppings, or to flood with water the site of the fire; and that in all coal mines known to generate explosive gas, that the owner or agent shall provide and adopt a system by which water under pressure, or otherwise, shall be sprinkled, and make damp all accumulations of fine coal dust from time to time that may accumulate on any haulage road, rooms, stopes or any other working places; also, that no owner or agent shall use any part of the underground workings of such coal mines as a magazine for the storage of gunpowder or any other kind of blasting agent. On all underground roads where coal is hauled by machinery and where the grade will average more than six (6) feet to the hundred (100), and which are used for traveling ways for men, double drawbars shall be attached to the bottom or other parts of every car, so that two separate couplings shall be used to connect each and every car lowered or hoisted on any road coming under this act, and that hooks which connect with the drawbar of the car shall be so constructed, with a clevice, or other contrivance, as to prevent them from becoming detached while the cars are in motion on the slope; also that double chains with approved safety hooks shall be attached to the socket of the hoisting ropes; Provided, That any appliance other than those herein required may be used in the construction and hoisting of cars which may accomplish the same result with equal safety and security to life and limb. [3 Mills (Rev.) Stats., 3198.]

**Check Weighman—How Paid**—That hereafter in all coal mines in this State, operated by individuals or corporations, whether as owners or lessees and working twenty or more miners underground, there may be employed a check weighman, who shall be selected by the miners employed in said mine, and whose wages shall be paid by the miners therein employed. [3 Mills (Rev.) Stats., 3204f.]

**Duties**—The duties of such check weighman shall be to see that all coal, mined in the coal mine at which he is employed, is accurately weighed and for that purpose every such aforesaid owner or lessee shall



give to such weighman, free access to all scales and weights used for that purpose and to all books wherein the weights of coal mined by the miners of said mines are recorded. [3 Mills (Rev.) Stats., 3204g.]

**Misdemeanor—Refuse to Allow**—Any mine owner, operator, manager, superintendent or lessee operating any coal mine in this State, who shall refuse to allow any such check weighman to be so employed or shall refuse such check weighman access to such aforesaid scales, weights or books, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of not less than \$25.00 nor more than \$500.00. [3 Mills (Rev.) Stats., 3204h.]

**Mine Owner Provide Scales—Inspector Test**—It shall be the duty of every corporation, company or persons engaged in the business of mining and selling coal by weight or measure in this State to procure and constantly keep on hand, at the proper place, the necessary scales and measures and whatever else may be necessary to correctly weigh or measure the coal mined and taken out by the workmen or miners of such corporation, company or persons, and it shall be the duty of the inspector of weights and measures of every county in which coal is mined and sold to visit each coal mine operated therein, and, once in each year, unless oftener requested by the operator or the miner or the miners, test the correctness of such scales and measures. If in any county there is no inspector of weights and measures, then the State inspector of mines shall be required to test the correctness of such scales or measures within a reasonable time after application is made to him therefor by either the miners or owners or those who may be operating the mine. [3 Mills (Rev.) Stats., 3204i.]

**Car Numbers—Record—Capacity**—Each car or other apparatus used by any such corporation, company or person in removing coal from any coal mine shall be plainly marked by having distinctly placed upon it a number which shall be kept thereon while such car or other apparatus is in use, and no two cars or other apparatus so used shall bear the same number, and if the coal from such mine is mined and the miners are paid therefor according to weight for mining the same, every such car so used shall be weighed upon such tested scales and the weight of the coal thereof shall be correctly credited to the person mining it and recorded in a book kept for that purpose and the correct weight shall also be marked upon such car or apparatus before it is returned to the mine for reloading. If the coal of any such mine is mined and the miners thereof are paid for the same by measure, the number of bushels of coal such car or other apparatus will hold when loaded to its capacity shall also be plainly marked upon it and kept thereon as long as such car is used as aforesaid. Where coal is mined by weight, or by the ton, 2,000 pounds shall constitute a ton, or where it is measured by the bushel, 80 pounds shall constitute 1 bushel. [3 Mills (Rev.) Stats., 3204j.]

**Coal Weighed Before Screening**—All coal mined by the ton or by weight shall be weighed in the car or other apparatus in which it is removed from the mine, before it is screened or before it is passed over or dumped upon any screen or any other device which may let or be capable of letting a portion of the coal drop through such screen or device, and it shall be paid for according to the weight so ascertained at such

price per ton as may be agreed upon by such owner or operators and the miner or miners who mine the same. All coal mined and paid for by measure shall be paid for per car according to the number of bushels marked upon the car or other apparatus in which it is removed from the mine and without the coal thereof being screened or without it being passed over or dumped upon a screen or any other device which will let any portion of the coal fall through such screen or device. [3 Mills (Rev.) Stats., 3204k.]

**Violation—Misdemeanor—Penalty**—A failure to comply with any of the provisions of this act shall be unlawful and deemed a misdemeanor, and any person, owner or agent operating a coal mine in this State, who shall be convicted of a violation of this act shall be fined for the first offense not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00), and for the second offense and each subsequent offense not less than one hundred dollars (\$100.00), nor more than two hundred dollars (\$200.00). [3 Mills (Rev.) Stats., 3204l.]

### CONTRACTS.

**Contracts Releasing Employers From Negligence—Void**—It shall be unlawful for any person, company or corporation to require of its servants or employes, as a condition of their employment or otherwise, any contract or agreement whereby such person, company or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employes while in the service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employes thereof, and such contracts shall be absolutely null and void. [Colo. Const., Art. 15, 15.]

**Contract Not Bar Liability of Employer**—Whenever an employe enters into a contract, either written or verbal, with an independent contractor, to do part of such employer's work, or whenever such contractor enters into a contract with a sub-contractor to do all or a part of the work comprised in such contract or contracts with the employer, such contract or sub-contract shall not bar the liability of the employer for injuries to the employes of such contractor or sub-contractor, by reason of any defects in the condition of the ways, works, machinery or plant, if they are the property of the employer or furnished by him, and if such defect arose or had not been discovered or remedied through the negligence of the employer or of some person entrusted by him with the duty of seeing that they were in proper condition. [3 Mills (Rev.) Stats., 1511c.]

**Contract Null and Void**—Any contract or agreement made between any corporation, and any parties in its employ, whose provisions shall be in violation, evasion or circumvention of this act, shall be unlawful and void, but such employe may sue to recover his wages earned, together with such 5 per cent. penalty, or separately to recover the penalty if the wages have been paid. [3 Mills (Rev.) Stats., 2801s1.]

### CONVICT LABOR.

**Convicts Work Upon Public Roads**—Upon the written request of a majority of the Board of County Commissioners of any county in the

State of Colorado, the warden of the Colorado State penitentiary, situated at Canon City, in Fremont County, shall detail such convicts as in his judgment shall seem proper, not exceeding the number specified in said written request, to work upon such public roads and highways of such county or streets and alleys of any city or incorporated town within such county as shall be designated in said written request of said County Commissioners; Provided, That such county shall pay all additional expenses of guarding said convicts while working upon said public roads and highways within such county and shall furnish all tools and materials necessary in the performance of said work; and, Provided, That when said work is done within the limits of any city or incorporated town within such county, or city or incorporated town where said work shall be done shall likewise pay all additional expenses of guarding such convicts while performing said work and shall furnish all necessary material used in said work. [Sess. L. '05, p. 171, 1.]

**Not Build Where Skilled Labor Required**—Said convicts when employed under the provisions of Section 1 of this act shall not be used for the purpose of building any bridge or structure of like character which requires the employment of skilled labor. [Sess. L. '05, p. 171, 2.]

#### CONVICT-MADE GOODS.

**License to Sell**—That it shall be unlawful for any person or persons or corporation to knowingly expose for sale within the State of Colorado, without first obtaining from the Secretary of State a license to sell, any convict-made goods, merchandise or wares, as hereinafter provided. [3 Mills (Rev.) Stats., 3450a.]

**Dealers in Convict-Made Goods—Make Application—Bond**—Every person or persons, or corporation desiring to act as agents for or to deal in convict made goods, within the limits of the State of Colorado, shall make an application in writing to the Secretary of State, setting forth his or their residence or office, the class of goods he, they or it desires to deal in the town, village or city, giving the street number at which he, they or it intends to locate, together with the names of two or more responsible citizens of the State of Colorado, who shall enter into a bond of not less than five thousand dollars (\$5,000) to guarantee that the said applicant will in all and every particular comply with any and all laws of the State of Colorado regulating and prescribing the sale of convict-made goods, wares and merchandise. [3 Mills (Rev.) Stats., 3450b.]

**Length of License—Post License**—The Secretary of State shall thereupon issue a license to such applicant for one year, except as hereinafter provided, which license shall set forth the name of the person, persons or corporation, and shall be kept conspicuously posted in his, their or its place of business. [3 Mills (Rev.) Stats., 3450c.]

**Annual Statement—Contests**—Such person, persons or corporation shall annually, before the fifteenth day of January of each year, transmit to the Secretary of State a verified statement setting forth:

1. The name of the person, persons or corporation.
2. His, their or its place of business.
3. The name of the persons, agents, wardens or keepers of any prison, jail, penitentiary or reformatory, or establishment using convict

labor, with whom he has done business, and the person, persons or corporation to whom he has sold goods, wares or merchandise, giving the state, city or town and street number of such purchaser or purchasers.

4. In general terms the amount paid to such agents, wardens or keepers of goods, wares or merchandise, and the character of the goods, wares or merchandise so received. [3 Mills (Rev.) Stats., 3450d.]

**License Fee**—Every person, persons or corporation shall pay annually, upon the issue of such license as hereinbefore provided, the sum of five hundred dollars (\$500) to the Secretary of State as a license fee, which amount shall be credited to the maintenance account of the State prison. [3 Mills (Rev.) Stats., 3450e.]

**Length of License**—Licenses shall be for one year, unless revoked as subsequently provided. [3 Mills (Rev.) Stats., 3450f.]

**Revocation of License Notice**—The Secretary of State shall have the power to revoke the license of any person, persons, or corporation upon satisfactory evidence or upon conviction for any violation of any law regulating the sale of convict-made goods, wares or merchandise; but no such revocation shall be made until due notice to the person, persons or corporation so complained of; and for the purpose of this section the said Secretary of State, or his authorized agents, shall have power to administer oaths and compel the attendance of persons and the production of books, papers, et cetera. [3 Mills (Rev.) Stats., 3450g.]

**Brand, Label or Mark Convict-Made Goods**—All goods, wares or merchandise made or partly made by convict labor in any penitentiary, prison or reformatory or other establishment shall, before being exposed for sale, be branded, labeled or marked as hereinafter provided, and shall not be exposed for sale in any place within this State without such brand, label or mark. [3 Mills (Rev.) Stats., 3450h.]

**Contents of Brand, Label or Mark**—The brand, label or mark hereby required shall contain at the head or top thereof the words "Convict-made," followed by the year and name of the penitentiary, prison or reformatory or other establishment in which it was made, in plain English letters, in style known as great primer Roman capitals. The brand or mark shall, in all cases where the nature of the article will permit, be placed upon the same, and only where such branding and marking is impossible a label shall be used, and where a label is used it shall be in the form of a paper tag, which shall be attached by wire to each article, where the nature of the article will permit, and placed securely upon the boxes, crates or other covering in which such goods, wares or merchandise may be packed, shipped or exposed for sale. Said brand, mark or label shall be placed upon the outside of and upon the most conspicuous part of the finished article and its box, crate or covering. In case of manufactured clothing of any nature, such label shall be of linen and securely sewed upon each article of such clothing in a place where upon examination it may be easily discovered. [3 Mills (Rev.) Stats., 3450i.]

**Violation—Misdemeanor—Penalty**—When upon complaint or otherwise the deputy labor commissioner has reason to believe that this act is being violated, he shall advise the District Attorney of the county



in which such alleged violation has occurred of the fact, giving the information in support of his conclusions, and said District Attorney shall at once institute the proper legal proceedings to compel compliance with the act. Any person offending against the provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding ten hundred dollars (\$1,000) and not less than fifty dollars (\$50.00), or to be imprisoned for a term not exceeding twelve months and not less than ten days, or both. [3 Mills (Rev.) Stats., 3450j.]

**Evidence of Violation—Disposal of Fine**—It shall be lawful for any person, persons or corporation to furnish evidence as to the violation upon the part of any person, persons or corporation, and upon the conviction of such person, persons or corporation, one-half of the fine provided for by this act, which shall be secured, shall be paid to the deputy labor commissioner, to be used by him in investigating and securing conviction for violation thereof. [3 Mills (Rev.) Stats., 3450k.]

### DAMAGES.

**Liability Employers—Who Liable**—Section 1. That every corporation or company which or individual who may employ agents, servants or employes, such agents, servants or employes being in the exercise of due care, shall be liable to respond in damages for injuries or death sustained by any such agent, servant or employe resulting from the carelessness, omission of duty or negligence of such employer, or which may have resulted from the carelessness, omission of duty or negligence of any other agent, servant or employe of the said employer, in the same manner and to the same extent as if the carelessness, omission of duty or negligence causing the injury or death was that of the employer.

**Death of Person**—Section 2. Whenever the death of a person shall be caused by an act of carelessness, omission of duty or negligence as provided in the preceding section, then, and in every such case, the corporation or company which, or individual who, would have been liable, if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the party injured, and in every such case the jury may give such damages as they deem fair and just, not exceeding the sum of five thousand dollars, with reference to the necessary injury resulting from such death, to the party or parties who may be entitled to sue hereunder.

**Who Action May Be Maintained By**—Section 3. Every such action shall in case of death be maintained:

First—By the husband or wife of the deceased, or

Second—If there be no husband or wife, or if he or she fails to sue within one year after such death, then by the children of the deceased or their descendants, or

Third—If such deceased be a minor or unmarried, without issue, then by the father or mother, or by both jointly, or

Fourth—If there be no such person entitled to sue, then by such other next to kin of the deceased as may be dependent upon deceased for support.

Every such action, in case of death, may be maintained by any such person entitled to sue, for the use and benefit of the other and others so entitled to sue, as well as for the plaintiff so suing, and the verdict of the jury and the judgment of the court shall, in such case, specify the amount of damages awarded to each such person, and if any such actions be separately brought, the same be consolidated with the action so first commenced in the court that shall have jurisdiction of said actions, when so consolidated.

**Time Limit**—Section 4. All actions provided for by this Act shall be brought within two years from the time of the accident causing the injury, if death does not ensue, or within two years from the time of death, in case of injury resulting in death. The amount of compensation recoverable under this act in case of personal injury resulting solely from the negligence of a co-employee shall not exceed the sum of five thousand dollars.

**Repealing Clause**—Section 5. An Act entitled "An Act concerning damages sustained by agents, servants or employes". Approved April 8, 1893, and an Act entitled "An Act to give a right of action against an employer for injuries or death resulting to his agents, employes or servants, either from the employer's negligence or from the negligence of some of his other employes, servants or agents, and to repeal all acts or parts of Acts in conflict herewith, Approved March 28, 1901, and all acts and parts of acts in conflict herewith are hereby repealed; Provided, however, this act shall not affect any cause of action which shall have accrued at the time this Act takes effect.

Approved May 27th, 1911.

#### DAMAGES FOR PERSONAL INJURY.

**Interest on Damages—Court to Add Interest**—Section 1. In all actions brought to recover damages for personal injuries hereafter sustained by any person, resulting from or occasioned by the tort of any other person, corporation, association or partnership, whether by negligence or by wilful intent of such other person, corporation, association or partnership, and whether such injury shall have resulted fatally or otherwise, it shall be lawful for the plaintiff in the complaint to claim interest on the damages alleged from the date said suit is filed, and, when such interest is so claimed, it shall be the duty of the court, in entering judgment for the plaintiff in such action, to add to the amount of damages assessed by the verdict of the jury, or found by the court, interest on such amount, calculated at the legal rate from the date such suit was filed to the date of entering said judgment, and to include the same in said judgment as a part thereof.

**Repealing Clause**—Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved May 26th, 1911.

#### EIGHT HOUR LAW.

(Referred to Referendum.)

**Occupations Declared Dangerous to Life and Limb**—Section 1. Employment in all underground mines, underground workings, open cut

workings, open pit workings, smelters, reduction works, stamp mills, concentrating mills, chlorination processes, cyanide processes and coke ovens, is hereby declared to be injurious to health and dangerous to life and limb.

**Limit of Hours of Employment—Exception for Emergencies—**Section 2. That the period of employment of men working in all underground mines, underground workings, open cut workings, open pit workings, smelters, reduction works, stamp mills, concentrating mills, chlorination processes, cyanide processes and coke ovens shall not exceed eight (8) hours within any twenty-four (24) hours except in cases of emergency where life or property is in imminent danger.

**Violation a Misdemeanor—Penalty—**Section 3. Any person, persons, body corporate, general manager or employer who shall violate or cause to be violated 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 two hundred and fifty dollars (\$250) nor more than five hundred dollars (\$500), or by imprisonment in the county jail not less than ninety (90) days nor more than six (6) months or by both such fine and imprisonment. Every day's violation of the provisions of this act shall constitute a separate offense.

**Repealing Clause—**Section 4. Chapter 119 of the Session Laws of 1905, Approved March 21, 1905, and all other acts and parts of acts in conflict with this act are hereby repealed.

Approved June 2nd, 1911.

#### ELECTIONS.

**Employe Entitled to Two Hours for Voting—**Any person entitled to vote at a general election held within this state, shall, on the day of such election, be entitled to absent himself away from any service or employment in which he is then engaged or employed for a period of two hours between the time of opening and the time of closing the polls, and any such absence shall not be sufficient reason for the discharge of any such person from such service or employment, and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages, (except when such employe is employed and paid by the hour); Provided, however, That application shall be made for such leave of absence prior to the day of election. The employer may specify the hours during which such employe may absent himself as aforesaid. Any person or corporation who shall refuse to his or its employes the privilege hereby conferred, or who shall subject an employe to a penalty or reduction of wages because of the exercise of such privilege, or who shall, directly or indirectly, violate the provisions of this act, shall be deemed guilty of a misdemeanor. [3 Mills (Rev.) Stats., 162511.]

**Offering Bribes—**It shall be unlawful for any person, directly or indirectly, by himself or through any other person:

\* \* \* \* \*

(b) To give, offer or promise any office, place or employment, or to promise or procure or endeavor to procure any office, place or employment, to or for any voter, or to or for any other person, in order to induce

such voter to vote or refrain from voting at any election provided by law, or to induce any voter to vote or refrain from voting at such election for any particular person or persons. [3 Mills (Rev.) Stats., 1655a.]

**Receiving Bribes**—It shall be unlawful for any person, directly or indirectly, by himself or through any other person:

(a) To receive, agree or contract for, before or during an election provided by law, any money, gift, loan or other valuable consideration, office, place, or employment, for himself or any other person, for voting or agreeing to vote, or for going or agreeing to go to the polls, or for remaining away or agreeing to remain away from the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting for any particular person or persons, measure or measures, at any election provided by law.

\* \* \* \* \*

[3 Mills (Rev.) Stats., 1655b.]

**Violence—Intimidation—"Pay Envelopes"**—\* \* \* It shall be unlawful for any employer, either corporation, association, company, firm or person, in paying its, their or his employes the salary or wages due them, to inclose their pay in "pay envelopes" upon which there is written or printed any political mottoes, devices or arguments containing threats, express or implied, intended or calculated to influence the political opinion, views or action of such employes. Nor shall it be lawful for any employer, either corporation, association, company, firm or person, within ninety days of any election provided by law, to put up or otherwise exhibit in its, their or his factory, workshop, mine, mill, boarding-house, office or other establishment, or place where its, their or his employes may be working or be present in the course of such employment, any hand-bill, notice or placard containing any threat, notice or information that in case any particular ticket or candidate shall be elected work in its, their or his place or establishment will cease in whole or in part or its, their or his establishment be closed, or the wages of its, their or his workmen be reduced; or other threats, express or implied, intended or calculated to influence the political opinions or action of its, their or his employes. Any person or persons or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and any person, whether acting in his individual capacity or as an officer or agent of any corporation so guilty of such misdemeanor shall be punished as hereinafter prescribed. [3 Mills (Rev.) Stats., 1655d.]

**Corporation Not Influence Votes—Penalty**—It shall be unlawful for any corporation or any officer or agent of any corporation to influence or attempt to influence by force, violence or restraint, or by inflicting or threatening to inflict any injury, damage, harm or loss, or by discharging from employment or promoting in employment, or by intimidation or otherwise in any manner whatever, to induce or compel any employe to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or persons at any such election. Any such corporation, or any officer or agent of such corporation, violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and be subject to the penalty hereinafter provided, and in addition thereto, any corporation violating this section shall forfeit its



charter and right to do business in this State. [3 Mills (Rev.) Stats., 1655e.]

#### EMPLOYMENT OFFICES—FREE—COLORADO AGENCIES.

**Offices Created**—Free employment offices are hereby created as follows: One in each city of not less than twenty-five thousand and two in each city containing a population of two hundred thousand or over, for the purpose of receiving applications of persons seeking employment, and applications of persons seeking to employ labor. Such offices shall be designated and known as Colorado Free Employment Offices. [Sess. L. '07, p. 292, 1.]

**Superintendent and Assistant Appointed—Salary**—Within sixty days after this act shall have been in force, the deputy commissioner of labor statistics shall recommend, and the Commissioner ex-officio shall appoint a superintendent and assistant superintendent who shall act as clerk for each of the offices created by Section 1 of this act, who shall devote their entire time to the duties of their respective offices. The tenure of such appointment shall be two years, unless sooner removed for cause. The salary of each superintendent shall be twelve hundred (\$1,200.00) dollars per annum; the salary of such assistant superintendent shall be one thousand (\$1,000.00) dollars per annum, together with the proper amounts for defraying the necessary costs of equipping and maintaining the respective offices. [Sess. L. '07, p. 292, 2.]

**Superintendent Keep Office and Records**—The superintendent of each such free employment office shall, within sixty days after appointment, open an office in such locality as shall have been agreed upon between such superintendent and deputy commissioner of the Bureau of Labor Statistics as being most appropriate for the purpose intended, such office to be provided with a sufficient number of rooms and apartments to enable him to provide, and he shall so provide, a separate room or apartment of [for] the use of women registering for situations or help. Upon the outside of each office in position and manner to secure the fullest public attention shall be placed a sign which shall read in the English language, "Colorado Free Employment Office," and the same shall appear either upon the outside windows or upon signs in such other language as the location of each such office shall render advisable. The superintendent of each such employment office shall receive and record in books kept for that purpose names of all persons applying for employment or help, designating opposite the names and addresses of each applicant the character of employment or help desired. Separate registers for applicants for employment shall be kept showing the age, sex, nativity, trade or occupation of each applicant, the cause and duration of non-employment, whether married or single, the number of dependent children, together with such other facts as may be required by the Bureau of Labor Statistics to be used by said bureau.

Provided, That no special registers shall be open to public inspection at any time, and that statistics and sociological data as the Bureau of Labor shall require shall be held in confidence by said bureau, and so published as not to reveal the identity of any one.

And Provided, further, That any applicant who shall decline to furnish answers to the questions contained in special registers shall not

thereby forfeit any rights to any employment the office might secure. [Sess. L. '07, p. 292, 3.]

**Make Report**—Each superintendent shall report on Thursday of each week to the deputy commissioner of the said Bureau of Labor Statistics the number of applications for positions and for help received during the preceding week and the number of positions secured; also those unfilled applications remaining on the books at the beginning of the week. It shall also show the number and character of the positions secured during the preceding week. Upon receipt of these lists and not later than Saturday of each week the deputy commissioner of said Bureau of Labor Statistics shall cause to be printed a list showing, separately and in combination, the lists received from all such free employment offices. [Sess. L. '07, p. 293, 4.]

**Communicate With Employers and Advertise**—It shall be the duty of each such superintendent of a free employment office to immediately put himself in communication with the principal manufacturers, merchants, and other employers of labor, and to use all diligence in securing the co-operation of the said employers of labor for the purposes and objects of said employment offices. To this end it shall be competent for such superintendents to advertise in the columns of newspapers or other medium for such situations as he has applicants to fill, and he may advertise in a general way for the co-operation of large contractors and employers in such trade journals or special publications as reach such employers, whether such trade or special journals are published within the State of Colorado or not. [Sess. L. '07, p. 294, 5.]

**Make Annual Report**—It shall be the duty of each such superintendent to make report to the said Bureau of Labor Statistics annually, not later than December 1 of each year, concerning the work of his office for the year, together with a statement of the expense of the same, including the charges of an interpreter when necessary, and such report shall be published by the said Bureau of Labor Statistics with its biennial report. Each such superintendent shall also perform such other duties in the collection of statistics of labor as the deputy commissioner of the Bureau of Labor Statistics may require. [Sess. L. '07, p. 294, 6.]

**No Charge Made—Penalty**—No fee or compensation shall be charged or received, directly or indirectly, from persons applying for employment or help through said free employment offices, and any superintendent, assistant superintendent or clerk, who shall accept, directly or indirectly, any fee or compensation from any applicant, or from his or her representative, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five (\$25.00) dollars nor more than fifty (\$50.00) dollars, or imprisoned in the county jail not more than thirty days, or by both such fine and imprisonment, at the discretion of the court. [Sess. L. '07, p. 294, 7.]

**Terms Construed**—The term "applicant for employment," as used in this act, shall be construed to mean any person seeking work of any lawful character, and "applicant for help" shall mean any person or persons seeking help in any legitimate enterprise; and nothing in this act shall be construed to limit the meaning of the term "work" to manual

occupation, but it shall include professional services and all other legitimate services. [Sess. L. '07, p. 294, 8.]

**Disposition of Moneys Received**—All money or moneys received from fees and fines by the said deputy commissioner of labor shall constitute a fund for the purposes of enforcing the provisions of this act, and the said commissioner shall, at the end of each fiscal year, make an account of said fund and pay into the State treasury whatever balance shall remain after paying the necessary disbursements for the purpose of enforcing the provisions of this act. [Sess. L. '07, p. 295, 9.]

**Supplies Furnished**—All printing, blanks, blank books, stationery, postage, and such other supplies as may be necessary for the proper conduct of the business of the offices herein created, shall be furnished by the Secretary of State upon requisition for the same by the superintendents of the several offices. [Sess. L. '07, p. 295, 10.]

**Expenses—How Paid**—All expenses attendant upon the conducting of the several offices named herein shall be paid by this State. Provided such expenses shall not exceed the sum of two thousand (\$2,000.00) dollars in any one year; and the State Auditor is hereby authorized to draw his warrant on the State Treasurer for the same. [Sess. L. '07, p. 295, 11.]

#### EXEMPTION.

**From Taxation**—\* \* \* the household goods of every person being the head of a family to the value of \$200.00 shall be exempt from taxation. \* \* \* [Colo. Const., Art. 10, 3.]

**Homestead—\$2,000—What Debts**—Every householder in the State of Colorado, being the head of a family, shall be entitled to a homestead not exceeding in value the sum of \$2,000.00, exempt from execution and attachment, arising from any debt, contract or civil obligation. \* \* \* [Mills Ann. Stats., 2132.]

**Homestead—Marginal Entry**—To entitle any person to the benefit of this act, he shall cause the word "homestead" to be entered in the margin of his record title to the same, which marginal entry shall be signed by the owner making such entry and attested by the Clerk and Recorder of the county in which the premises in question are situated, together with the date and time of day on which such marginal entry is so made; Provided, That in case the husband is the owner of said homestead, the wife may cause such entry to be made and recorded, and the signature of the said entry by the wife shall have the same effect as if entered by the husband, the owner of the property. And, in case the wife is the owner of the homestead, and shall fail to make such homestead entry, the husband may cause the homestead entry to be made, and the signature thereof by him shall have the same effect as if the entry had been made by the wife, the owner of the property. [3 Mills (Rev.) Stats., 2133.]

**Exemption Only While Occupied**—Such homestead shall only be exempt as provided in the first section of this act, while occupied as such by the owner thereof, or his or her family. [Mills Ann. Stats., 2134.]

**Widow and Minor Children**—When any person dies seized of a homestead, leaving a widow, or husband, or minor children, such widow,

or husband, or minor children shall be entitled to the homestead; but in case there is neither widow, husband nor minor children, the homestead shall be liable for the debts of the deceased. [Mills Ann. Stats., 2135.]

**Of What Homestead May Consist**—The homestead mentioned in this act may consist of a house and lot or lots, in any town or city, or of a farm consisting of any number of acres, so that the value does not exceed \$2,000.00. [Mills Ann. Stats., 2136.]

**Homestead Mortgaged or Conveyed**—That nothing in this act shall be construed to prevent the owner and occupier of any homestead from voluntarily mortgaging or otherwise conveying the same; Provided, No such mortgage or other conveyance shall be binding against the wife of any married man who may be occupying the premises with him, unless she shall freely and voluntarily, separate and apart from her husband, sign and acknowledge the same, and the officer taking the acknowledgment shall fully apprise her of her rights and the effect of signing the said mortgage or other conveyance; and Provided, further, That if the owner of said homestead be the wife of any married man who may be occupying the premises with her, no such mortgage or other conveyance shall be binding against said husband, unless he shall sign and acknowledge said mortgage or other conveyance. [3 Mills (Rev.) Stats., 2137.]

**Proceeds of Sale Exempt—Bona Fide Purchaser**—In case of the sale of said homestead, any subsequent homestead acquired by the proceeds thereof shall also be exempt from execution or attachment, nor shall any judgment or other claim against the owner of such homestead be a lien against the same in the hands of a bona fide purchaser for a valuable consideration. [Mills Ann. Stats., 2139.]

**Wearing Apparel Exempt**—The necessary wearing apparel of every person shall be exempt from execution, writ of attachment and distress for rent. [Mills Ann. Stats., 2561.]

**Other Property Exempt From Execution—Purchase Money—Taxes**—The following property, when owned by any person being the head of a family and residing with the same, shall be exempt from levy and sale upon any execution or writ of attachment or distress for rent, and such articles of property shall continue exempt while the family of such person are removing from one place of residence to another within this State.

First. Family pictures, school books and library.

Second. A seat or pew in any house or place of public worship.

Third. The sites of burial of the dead.

Fourth. All wearing apparel of the debtor and his family; all bedsteads and bedding kept and used for the debtor and his family; all stoves and appendages kept for the use of the debtor and his family; all cooking utensils; and all the household furniture not herein enumerated, not exceeding one hundred dollars in value.

Fifth. The provisions for the debtor and his family, necessary for six months, either provided or growing, or both, and fuel necessary for six months.



Sixth. The tools and implements, or stock in trade, of any mechanic, miner or other person, used and kept for the purpose of carrying on his trade or business, not exceeding two hundred dollars in value.

Seventh. The library and implements of any professional man, not exceeding three hundred dollars.

Eighth. Working animals to the value of two hundred dollars.

Ninth. One cow and calf, ten sheep, and the necessary food for all the animals herein mentioned for six months, provided or growing, or both; also one farm wagon, cart or dray, one plow, one harrow, and other farming implements, including harness and tackle for team, not exceeding fifty dollars in value.

Tenth. Provided, That nothing in this chapter shall be so construed as to exempt any property of any debtor from sale for the payment of any taxes whatever, legally assessed; and Provided, further, That no article of property above mentioned shall be exempt from attachment or sale on execution for the purchase money for said article of property.

Eleventh. And Provided, also further, That the tools, implements, working animals, books and stock in trade, not exceeding three hundred dollars in value, of any mechanic, miner or other person not being the head of a family, used and kept for the purpose of carrying on his trade and business, shall be exempt from levy and sale on any execution or writ of attachment while such person is a bona fide resident of this State. [Mills Ann. Stats., 2562.]

**Death or Desertion of Head of Family**—Whenever, in any case, the head of a family shall die, desert or cease to reside with the same, the said family shall be entitled to and receive all the benefit and privileges which are in this chapter conferred upon the head of a family residing with the same. [Mills Ann. Stats., 2563.]

**Debtor Removing Property**—If any debtor shall be engaged in removing his or property from this State, such property shall not be exempt from levy and sale under execution or attachment; Provided, That nothing in this chapter contained shall be held to authorize the levying upon and selling the necessary wearing apparel or beds and bedding of any debtor, or of the family of any debtor, under any execution or attachment. [Mills Ann. Stats., 2565.]

**Pension Exempt From Execution**—All money received by any person resident of the State, as a pension from the United States government, whether the same shall be in the actual possession of such pensioner, or deposited, or loaned by him, shall be exempt from execution or attachment, or seizure, by or under any legal process whatever, whether such pensioner be the head of a family or not. [Mills Ann. Stats., 2568.]

**Exempt to Wife and Children—When**—When a debtor dies or absconds, and leaves his family the money exempted by this act, the same shall also be exempt by this act, the same shall also be exempt to his wife and children, or either of them. [Mills Ann. Stats., 2569.]

**Bicycle and Sewing Machine Exempt**—The following property, when owned by any citizen of the State of Colorado, in addition to the property now exempt by law, shall be exempt from levy and sale upon any

execution or writ of attachment or distress for rent, and shall continue so exempt, to wit, one bicycle and one sewing machine. [3 Mills (Rev.) Stats., 2562a.]

**Garnishment of Wages—Proviso**—There shall be exempt from levy under execution or attachment or garnishment, 60 per cent. of the amount due for wages or earnings of any debtor at the time such levy is made under execution, attachment or garnishment of the same; Provided, Such debtor be, at the time of such levy, under execution, attachment or garnishment, the head of a family or the wife of the head of a family, and such family resides in this State and is dependent in whole or in part, upon such earnings for support; Provided, further, That when such wages or earnings do not exceed the sum of five dollars (\$5.00) per week, at the time such levy is made under execution, attachment or garnishment, then, all such wages or earnings shall be exempt. [3 Mills (Rev.) Stats., 2567.]

#### FACTORY INSPECTION LAW.

**Chief Factory Inspector and Deputies, appropriation for**—Section 1. That there is hereby established a separate and distinct department to be known as the Department of Factory Inspection of the State of Colorado, which department shall be charged with the inspection of all factories, mills, workshops, bakeries, laundries, stores, hotels, boarding or bunk houses, or any kind of an establishment wherein laborers are employed or machinery used, for the purpose of protecting said employees or guests against damages arising from imperfect or dangerous machinery, or hazardous and unhealthy occupation and regulating sanitary conditions under which guests are protected or laborers are employed by providing individual towels in place of roller towels in hotel wash-rooms, and nine-foot top sheets for beds, which sheets shall be provided not later than September 1, 1911.

The Deputy Labor Commissioner of the State of Colorado shall be the Chief Factory Inspector under this act; the said Chief Inspector within five days after the passage of this act, shall recommend, and the Secretary of State shall appoint, four deputy factory inspectors, one of whom shall be a woman, and each of said deputy factory inspectors shall receive a salary of twelve hundred dollars (\$1200.00) per annum with necessary traveling expenses, but said expenses shall in no case exceed the sum of six hundred dollars (\$600.00) per annum for each deputy factory inspector. Provided, that the Deputy Labor Commissioner, being Chief Factory Inspector, shall recommend and the Secretary of State appoint, a clerk with an annual salary of twelve hundred dollars (\$1200.00) per annum, and be it provided, that a stenographer shall be recommended by the Deputy Labor Commissioner and the Chief Factory Inspector and appointed by the Secretary of State with an annual salary of twelve hundred dollars (\$1200.00) per annum; the said appointees shall receive their said salaries upon vouchers issued by the Chief Factory Inspector and paid in the same manner as other State Officers of the State of Colorado are paid; and be it further provided, That a fund not to exceed five hundred dollars (\$500.00) per annum shall be appropriated in this bill for the purpose of paying for printing, stationery, postage and buying such

necessary equipment as are necessary in the office of the Chief Factory Inspector; and to provide for any expenses through arbitration as provided in section seven of this act.

**Safety Appliances**—Section 2. That any person, firm, corporation or association operating a factory, mill, workshop, bakery, laundry, store, hotel or any kind of an establishment wherein laborers are employed, or machinery used shall provide and maintain in use belt shifters or other mechanical contrivance for the purpose of throwing on or off belts or pulleys while running, where the same are practicable with due regard to the nature and purpose of said belts and the dangers to employees therefrom; also reasonable safeguards for all vats, pans, trimmers, cut-offs, gang edger and other saws, planers, cogs, gearings, beltings, shaftings, couplings, set screws, line rollers, conveyors, manglers in laundries, and machinery of other or similar description, which it is practicable to guard, and which can be effectively guarded with due regard to the ordinary use of such machinery and appliances, and the dangers to employes therefrom, and with which the employes of any such factory, mill, or workshop are liable to come in contact while in the performance of their duties; and if any machinery, or any part thereof, is in a defective condition, and its operation would be extra hazardous because of such defect, or if any machinery is not safeguarded as provided in this act, the use thereof is prohibited, and a notice to that effect shall be attached thereto by the employer immediately upon receiving notice of such defect or lack of safeguard, and such notice shall not be removed until said defect has been remedied or the machine safeguarded as herein provided.

**Ventilation**—Section 3. That any person, firm, corporation or association operating a factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed, or machinery used and manual labor is exercised by the way of trade for the purpose of gain within an enclosed room (private houses in which the employes live excepted) shall be provided in each workroom thereof with good sufficient ventilation and kept in a clean and sanitary state, and shall be so ventilated as to render harmless, so far as practicable, all gases, vapors, dust or other impurities, generated in the course of the manufacturing or laboring process carried on therein; and if any factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed or machinery used in any enclosed rooms thereof by which dust is generated and inhaled to an injurious extent by the persons employed therein, conveyors, receptacles or exhaust fans, or other mechanical means shall be provided and maintained for the purpose of carrying off or receiving and collecting such dust.

**Elevators—Well Holes**—Section 4. The openings of all hoistways, hatchways, elevators and well holes and stairways in factories, mills, workshops, bakeries, laundries, stores, hotels, or any kind of an establishment wherein laborers are employed, or machinery used, shall be protected by good and sufficient trap doors, hatches, fences, gates or other safeguards, and all due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same opened that the same may be used.

**Duty of Inspectors**—Section 5. It shall be the duty of the Chief Factory Inspector, by himself or his duly appointed deputy, to examine as soon as may be after the passage of this act, and thereafter annually, and from time to time, all factories, mills, workshops, bakeries, stores, hotels, or any kind of an establishment wherein laborers are employed or machinery used or appliances therein contained to which the provisions of this act are applicable, for the purpose of determining whether they do conform to such provisions, and to granting or refusing certificates of approval, as hereinafter provided.

**Notice of Defects—Complaint of Employees to Inspectors**—Section 6. Any employe of any person, firm, corporation or association operating a factory, mill, workshop, bakery, laundry, store, hotel or any kind of an establishment wherein laborers are employed or machinery used shall notify his employer of any defect in, or failure to guard the machinery, appliances, ways, works or plants, on which or in or about which he is working, when any such defect or failure to guard shall come to the knowledge of any said employe, and if such employer shall fail to remedy such defect then said employe may complain in writing to the Chief Factory Inspector of any such alleged defect in or failure to guard the machinery, appliances, ways, works, and plants, or any alleged violation by such person, firm, corporation or association, of any of the provisions of this Act, in the machinery and appliances and premises used by such person, firm, corporation or association and with or about which said employe is working and upon receiving such complaint it shall be the duty of the Chief Factory Inspector, by himself or his deputy, to forthwith make an inspection of the machinery and appliances complained of.

**Certificates—Arbitration**—Section 7. Whenever upon any examination or re-examination of any factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed, or machinery used to which the provisions of this act are applicable, the property so examined and the machinery and appliances therein conform in the judgment of said Chief Factory Inspector to the requirements of this act, he shall thereupon issue to the owner, lessee or operator of any such storehouse, factory, mill, workshop, bakery, laundry, hotel, or any kind of an establishment wherein laborers are employed or machinery used a certificate to that effect, and such certificate shall be prima facie evidence as long as it continues in force of compliance on part of the person, firm, corporation or association to whom it is issued, with the provisions of this act. Such certificate may be revoked by said Chief Factory Inspector at any time upon written notice to the person, firm, corporation or association holding the same whenever in his opinion after re-examination, condition and circumstances have so changed as to justify the revocation thereof. A copy of said certificate shall be kept posted in a conspicuous place on every floor of all factories, mills, workshops, bakeries, laundries, stores, hotels, or any kind of an establishment wherein laborers are employed or machinery used to which the provisions of this act are applicable. If, in the judgment of the said Chief Factory Inspector, such factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establish-



ment wherein laborers are employed or machinery is used does not conform to the requirements of this act he shall forthwith personally or by mail serve on the person, firm, corporation or association operating or using such machinery or appliances or occupying such premises a written statement of the requirements of said Chief Factory Inspector, before he will issue a certificate as hereinbefore provided for; and upon said requirements being complied with within a period of thirty days after said written statement has been served as aforesaid the said Chief Factory Inspector shall forthwith issue such certificate; but if the person, firm, or corporation operating or using said machinery and appliances or occupying such premises shall consider the requirements of said Chief Factory Inspector unreasonable and impracticable or unnecessarily expensive, he may within ten days after the requirements of said Chief Factory Inspector have been served upon him, appeal therefrom or from any part thereof to three arbitrators to whom shall be submitted the matters and things in dispute, and their findings shall be binding upon said applicant and upon the Chief Factory Inspector. Such appeal shall be in writing, addressed to the Chief Factory Inspector and shall set forth the objections to his requirements, or any part thereof, and shall mention the name of one person who will serve as a representative of said applicant calling for arbitration. Immediately upon the receipt of such notice of appeal, it shall be the duty of the Chief Factory Inspector to appoint a competent person as arbitrator resident in the county from which such appeal comes, and to notify such person so selected, and also the party appealing, stating the cause of the arbitration, and the place, date and time of meeting. These two arbitrators shall select the third within five days and within ten days thereafter, give a hearing on the matters of said appeal, and the findings of those arbitrators by a majority vote shall be reported to the Chief Factory Inspector and to the applicant and shall be binding upon each. The expense of such arbitration shall be borne by the party calling for the arbitration; and if said arbitrators sustain the requirements of said Chief Factory Inspector or any part thereof, said applicant shall within thirty days comply with the findings of said arbitrators, and thereupon said Chief Factory Inspector shall issue a certificate as hereinbefore provided (in section 5 of this act); but if said arbitrators shall sustain such appeal or any part thereof, the same shall be binding upon said Chief Factory Inspector and any such person, firm, corporation or association shall within thirty days after the finding of the board of arbitrators, comply with the requirements of the Chief Factory Inspector, as amended by said arbitrators, if so amended as herein provided for, and thereupon said Chief Factory Inspector shall forthwith issue to any such person, firm, corporation or association, his certificate as provided for in section five of this act: Provided, That in case such arbitrators shall decide against such Chief Factory Inspector, the cost of the arbitration shall be paid out of the funds for such purposes. In case the Chief Factory Inspector is sustained in part by the arbitrators, the cost of the arbitration shall be divided equitably, in proportion to that decision, the appellant paying such share as the arbitrators may deem fair, the rest to be paid out of said fund.

**Fire Exits—Doors—Stairways—Ropes—Section 8.** In all factories, mills, workshops, offices, bakeries, laundries, stores, hotels, or any other buildings in which people are employed at manual or other labor, proper and sufficient means of escape in case of fire shall be provided by more than one way of egress, and such means of escape shall at all times be kept free from any obstruction; in good repair and ready for use; and at night, or where lights are necessary in the day time, a red light shall be provided with the words inscribed thereon "Fire Escape." All doors leading into or to such factories, workshops, offices, bakeries, mills, laundries, stores, hotels, or other buildings in which people are employed at manual or other labor, shall be so constructed as to open outward when practicable, and shall not be locked, bolted or fastened during working hours as to prevent free egress. Proper and substantial hand rails shall be provided on all stairways and in factories, hotels, mills and workshops and other buildings where people are employed at manual or other labor. And in all factories, laundries, mills, and workshops in which females are employed the stairs regularly used by them shall be properly screened at the sides and bottom. And be it further provided that hotels, boarding and bunk houses of more than one story shall have a hemp rope in each room of not less than three-quarters ( $\frac{3}{4}$ ) inch in thickness, the same to be firmly attached to wall in such manner that it may be thrown out of the window instantly to allow persons in case of fire, etc., to descend to the ground. The rope must have a knot tied in it at spaces of not more than eighteen (18) inches apart; the ropes to be placed in every room above the second floor; provided, that any rope, ladder or device for the protection of guests may be used upon approval by the Chief Factory Inspector.

**Fire Escapes—Construction—Section 9.** In any factory, mill, workshop, office, bakery, laundry, store, hotel, or other building of three or more stories in height, proper and sufficient means of escape in case of fire are not provided as required by preceding section of this act, the owner or occupant of said building upon notice by the Chief Factory Inspector or any Deputy Factory Inspector employed in the Bureau of Labor Statistics shall construct one or more fire escapes as the same may be found necessary and sufficient. Said fire escape or fire escapes, shall be provided on the outside of such factories, mills, workshops, offices, bakeries, laundries, stores, hotels, or other buildings, connecting with each floor above the first; well fastened and secured and of sufficient strength. Each of such fire escapes shall have landings or balconies not less than six feet in length and three in width, guarded by iron railings not less than three feet in height and embracing at least two windows at each story, and connecting with the interior by easily accessible and unobstructed openings; and the balconies or landings shall be connected by iron stairs not less than 24 inches wide, and the steps to be not less than eight inches tread, placed at not more than an angle of forty-five degrees slant, and protected by well secured hand rails on both sides, with a twelve-inch wide drop ladder from the lower platform reaching to the ground. Any fire escape so constructed shall be sufficient. Any other plan or style of fire escape shall be sufficient if approved by the Chief Factory Inspector, but if not so approved the said Chief Factory In-

spector or one of the Deputy Factory Inspectors may notify the owner, proprietor or lessee of such factory, mill, workshop, office, bakery, laundry, store, hotel, or other building in which factory or workshop is conducted, or the agent or the superintendent, or either of them, in writing, that any such style of fire escape is not sufficient and he may issue an order in writing requiring one or more fire escapes as he shall deem necessary and sufficient to be provided for such factory, mill, workshop, office, bakery, laundry, store, hotel or other buildings in which people are employed at manual or other labor at such location and of such plan and style as shall be specified in such written order. Within thirty days after the service of such order the number of fire escapes required in such order for such factory, mill, workshop, office, bakery, laundry, store, hotel, or other building, shall be provided therefor, each of which will be either of the plan and style and in accordance with the specifications in said order required or of the plan and style in this section above described and declared sufficient.

The windows and doors of each fire escape shall be located as far as possible consistent with accessibility from the stairways and elevators, hatchways or openings, and the ladder thereof shall extend to the roof.

Stationary stairs or ladders shall be provided on the inside of each such factory, mill, workshop, office, bakery, laundry, store, hotel, or other buildings where people are employed at manual or other labor from the upper story to the roof as a means of escape in case of fire.

**Toilets Provided**—Section 10. Every factory, workshop, office, bakery, laundry, store, hotel, or other building in which four or more persons are employed shall be provided within reasonable access with a sufficient number of water closets, earth closets or privies, for the reasonable use of the persons therein; and whenever male or female persons are employed as aforesaid together, water closets, earth closets or privies separate and apart shall be provided for the use of each sex and plainly so designated, and no person shall be allowed to use such closet or privy assigned to the other sex. Such closets shall be properly screened and ventilated and at all times kept in a clean and good sanitary condition.

In factories, laundries, mills, and workshops and in all other places where the labor performed by the operator is of such character that it becomes desirable or necessary to change the clothing wholly or in part before leaving the building at the close of the day's toil, separate dressing rooms shall be provided for women and girls whenever so required by the factory inspector. It shall be the duty of every occupant, whether owner or lessee of any premises so used as to come within the provisions of this act to carry out the same and to make all the changes and additions necessary therefor. In case such changes are made upon the order of the Chief Factory Inspector or of a factory inspector by the lessee of the premises he may at any time within thirty (30) days after the completion thereof bring an action before any justice of the peace, County or District Court, having competent jurisdiction against any person having an interest in such premises and may recover such portion of the expense of making such changes and in addition as the Court adjudges should justly and equitably be borne by such defendant.

**Actions for Damages**—Section 11. In all actions brought to recover damages for personal injuries or death caused by reason of the violation of any of the provisions of this act, it shall be sufficient for the plaintiff to prove in the first instance, in order to establish the liability of the defendant, that the death or injury complained of resulted in consequence of the failure of the person owning or operating the manufacturing establishment where such death, or injury occurred to provide said establishment with safeguards as required by this act, or that the failure to provide such safeguards directly contributed to such death or injury.

**Meaning of Establishments**—Manufacturing establishments, as those words are used in this act, shall mean and include all smelters, oil refineries, cement works, mills of every kind, machine and repair shops, and in addition to the foregoing, any other kind or character of manufacturing establishment, of any nature or description whatsoever, wherein any natural product or other articles or materials of any kind, in a raw or unfinished or incomplete state or condition, are converted into a new or improved or different form.

Whenever the expression occurs in this act in substantially the following words: "Every person owning or operating any manufacturing establishment," or where language similar to that is used, the word "person" in that connection shall be held and construed to mean any person or persons, partnership, corporation, receiver, trust, trustee, or any other person or combination of persons, either natural or artificial, by whatever name he or they may be called.

**Powers of Inspectors**—Section 12. The Chief Factory Inspector or any employe of the department of factory inspection shall have power to enter any factory, mill, workshop, office, bakery, laundry, store, hotel, or any public or private works where labor is employed or machinery used. Any person, persons, firm, co-partnership, corporation, trust, trustee, their agent, or agents, who shall refuse to allow an inspector or employe of the said department to enter or who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars or be imprisoned in the county jail not to exceed ninety (90) days for each and every offense.

**Repealing Clause**—Section 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 14. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved June 5th, 1911.

#### HORSESHOEING.

**Journeyman—Apprentices**—No person shall practice horseshoeing as a master or journeyman horseshoer in any city of this State having a population of 70,000 inhabitants or more, unless he is duly registered, as hereinafter provided, in a book kept for that purpose in the office of the County Clerk of the county in which he practices. Apprentices may



follow the occupation of horseshoeing while learning the trade. [3 Mills (Rev.) Stats., 2801t.]

**Certificate From Board of Examiners**—No person shall be entitled to register as master or journeyman horseshoer without presenting a certificate of satisfactory examination from the board of examiners as provided for in Section 4. [3 Mills (Rev.) Stats., 2801u.]

**Affidavit as to Practice**—Any person who has been practicing as a master or journeyman horseshoer in the State for a period of not less than four years preceding the passage of this act may register within three months after the passage of this act, upon making and filing with the County Clerk of the county in which he practices an affidavit stating that he has been practicing horseshoeing for the period hereinbefore prescribed, and upon complying with this section he shall be exempt from the provisions of this act requiring an examination. Any person who wishes to practice as a master or journeyman can apply to the board of examiners, and upon passing a satisfactory examination shall receive a certificate to practice as such. [3 Mills (Rev.) Stats., 2801v.]

**Board of Examiners**—A board of examiners, consisting of one veterinarian and two master horseshoers and two journeymen horseshoers, is hereby created, all of whom shall be residents of the State of Colorado, whose duty it shall be to carry out the provisions of this act. The members of said board shall be appointed by the Governor, and the term of office shall be for two years, or until their successors shall be duly appointed and qualified. The board of examiners shall hold sessions for the purpose of examining applicants desiring to practice horseshoeing as master or journeyman horseshoers as often as necessary, and shall grant a certificate to any person showing himself qualified to practice, and shall receive as compensation a fee of two dollars from each person examined. Three members of said board, including the veterinary surgeon and at least one master horseshoer, shall constitute a quorum.

The board shall adopt a set of rules governing examinations of applicants.

The board of examiners shall regulate as to the time apprentices shall serve in learning the trade, which shall not be more than three years, at any time, and an apprentice may make application to the board of examiners, and if he passes a satisfactory examination they shall grant him a certificate to practice as a master or journeyman.

The board of examiners shall submit to the Governor a biennial report as to the receipts and expenditures and business transacted by them. They shall also submit to him the rules for examination for his approval. [3 Mills (Rev.) Stats., 2801w.]

**Veterinary Surgeon—Horseshoers—Bond**—The veterinary surgeon appointed on said board shall be a practicing graduate, having a diploma from some reputable veterinary institute, who has been a resident of Colorado three years prior to his appointment. The master horseshoers appointed on said board shall have had ten years' practice as horseshoers and in business giving employment to horseshoers, prior to and at the time of appointment, having had a bona fide residence of five years in the State of Colorado. The journeymen horseshoers shall have had ten years' practical experience in horseshoeing, with a residence of five years

in Colorado prior to appointment. Each member of the board shall give a bond of \$500.00 to the State for the faithful performance of his duties as member of the board. [3 Mills (Rev.) Stats., 2801x.]

**County Clerk Keep Registry Book**—The County Clerk of each county containing any such city shall provide a book, to be known as the "Master and Journeyman Horseshoers' Register," in which shall be recorded the names of the registrants, who shall then be entitled to continue the practice of horseshoeing. Every applicant who shall have complied with the provisions of Sections 2 and 3 shall be admitted to registration, and shall pay the Clerk of said county the sum of twenty-five cents, which shall be received as full compensation for such registration. (Sections 2 and 3 are Sections 2801u-2801v.) [3 Mills (Rev.) Stats., 2801y.]

**Fraudulent Certificates—Penalty**—Any person who shall present to the Clerk for the purpose of registration any certificate which has been fraudulently obtained, or shall practice as a master or journeyman horseshoer without conforming to the requirements of this act, or shall otherwise violate or neglect to comply with any of the provisions of this act, shall be guilty of a misdemeanor, and shall be subject to a fine of not less than five dollars nor more than fifty dollars, or imprisonment in the county jail for a period of not less than one day and not exceeding thirty days for each and very violation hereof; each day being considered a separate offense. [3 Mills (Rev.) Stats., 2801z.]

**Justices Have Jurisdiction**—Justices of the peace shall have jurisdiction in all cases arising under this act. [3 Mills (Rev.) Stats., 2801a1.]

#### LABOR DAY.

**First Monday in September**—The first Monday in September of the present year of our Lord, and each year thereafter, is hereby declared a public holiday, to be known as "Labor Day," and the same shall be recognized, classed and treated as other holidays under the laws of this State. [Mills Ann. Stats., 2128.]

#### LABOR UNIONS.

**Unlawful to Interfere With or Coerce**—That it shall be unlawful for any individual, company or corporation, or any member of any firm, or agent, officer or employe of any company or corporation, to prevent employes from forming, joining or belonging to any lawful labor organization, union, society or political party, or to coerce or attempt to coerce employes by discharging or threatening to discharge them from their employ or the employ of any firm, company or corporation because of their connection with such lawful organization, union, society or political party. [3 Mills (Rev.) Stats., 2801r.]

**Misdemeanor—Penalty**—Any person or any member of any firm, or agent, officer or employe of any such company or corporation, violating the provisions of Section 1 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars or imprisonment for a period not less than six months nor more than one

year, or both, in the discretion of the court. [3 Mills (Rev.) Stats., 2801s.]

**Not Unlawful to Combine to Secure Employment, Compensation, Etc.—Proviso**—It shall not be unlawful for any two or more persons to unite, or combine, or agree in any manner, to advise or encourage by peaceable means, any person or persons to enter into any combination in relation to entering into or remaining in the employment of any person, persons or corporation, or in relation to the amount of wages or compensation to be paid for labor, or for the purpose of regulating the hours of labor, or for the procuring of fair and just treatment from employers, or for the purpose of aiding and protecting their welfare and interest in any other manner not in violation of the Constitution of this State or the laws made in pursuance thereof; Provided, That this act shall not be so construed as to permit two or more persons, by threats of either bodily or financial injury, or by any display of force, to prevent or intimidate any other person from continuing in such employment as he may see fit, or to boycott or intimidate any employer of labor. [Mills Ann. Stats., 1295.]

#### LABOR DISPUTES.

(False Advertising.)

**Unlawful to Engage Men on False Statements**—Section 1. That it shall be unlawful for any person, persons, company, corporation, society, association or organization of any kind doing business in this State, by himself, themselves, his, its or their agents or attorneys, to induce, influence, persuade or engage workmen to change from one place to another in this State, or to bring workmen of any class or calling into this State to work in any departments of labor in this State, through or by means of false or deceptive representations, false advertising or false pretenses concerning the kind and character of the work to be done, or amount and character of the compensation to be paid for such work, or the sanitary or other conditions of the employment, or as to the existence or non-existence of a strike or lockout pending between employer and employes, or failing to state in any advertisement, proposal, or contract for the employment that there is a strike, lockout, or other labor troubles at the place of the proposed employment, when in fact such strike, lockout or other labor troubles then actually exist at such place, shall be deemed as false advertisement and misrepresentation for the purposes of this Act.

**Violation—Penalty**—Section 2. Any person or persons, company, corporation, society, association or organization of any kind doing business in this State, as well as his, their, or its agent, attorneys, servants or associates, found guilty of violating Section 1 of this Act, or any part thereof, shall be fined not exceeding \$2,000 or confined in the county jail not exceeding one year, or both, where the defendant or defendants is or are a natural person or persons.

**Governor May Issue Permit for Armed Guards to Protect Property**—Section 3. Any person or persons who shall hire, aid, abet or assist in hiring, through agencies or otherwise, persons to guard with arms or deadly weapons of any kind other persons or property in this State, or

any person or persons who shall come into this State armed with deadly weapons of any kind for any such purpose, without a permit in writing from the Governor of this State, shall be guilty of a felony, and on conviction thereof shall be imprisoned in the penitentiary not less than one year nor more than five years; Provided, that nothing contained in this Act shall be construed to interfere with the right of any person, persons, or company, corporation, society, association or organization in guarding or protecting their private property or private interest, as is now provided by law; but this Act shall be construed only to apply in cases where workmen are brought into this State, or induced to go from one place to another in this State, by any false pretenses, false advertising or deceptive representations, or brought into this State under arms, or removed from one place to another in this State, under arms.

**Workmen Have Right of Action for False Representation**—Section 4. Any workman of this State, or any workman of another state who has or shall be influenced, induced or persuaded, to engage with any persons mentioned in section 1 of this Act, through or by means of any of the things therein prohibited, each of such workmen shall have a right of action for recovery of all damages that each such workman has sustained in consequence of the false or deceptive representations, false advertising and false pretenses used to induce him to change his place of employment, against any person or persons, corporations, companies or associations, directly or indirectly, causing such damages; and, in addition to all actual damages such workmen may have sustained, shall be entitled to recover such reasonable attorneys fees as the Court shall fix, to be taxed as costs in any judgment recovered.

**Repealing Clause**—Section 5. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved April 3rd, 1911.

#### LIENS OF MECHANICS AND OTHERS.

**Liens Upon Property—Contracts in Writing**—Mechanics, materialmen, contractors, sub-contractors, builders, and all persons of every class performing labor upon or furnishing materials to be used in the construction, alteration, addition to, or repair, either in whole or in part, of any building, mill, bridge, ditch, flume, aqueduct, reservoir, tunnel, fence, railroad, wagon road, tramway or any other structure or improvement, upon land, and also architects, engineers, draughtsmen and artisans who have furnished designs, plans, plats, maps, specifications, drawings, estimates of cost, surveys or superintendence, or who have rendered other professional or skilled service, or bestowed labor in whole or in part, describing or illustrating, or superintending such structure, or work done or to be done, or any part connected therewith, shall have a lien upon the property upon which they have rendered service or bestowed labor or for which they have furnished materials or mining or milling machinery or other fixtures for the value of such services rendered or labor done or material furnished, whether at the instance of the owner, or any other person acting by his authority or under him, as agent, contractor, or otherwise; for the work or labor done or services rendered, or materials furnished, by each respectively,



whether done or furnished or rendered at the instance of the owner of the building or other improvement, or his agent; and every contractor, architect, engineer, sub-contractor, builder, agent or other person having charge of the construction, alteration, addition to, or repair, either in whole or in part, of any building or other improvement, as aforesaid, shall be held to be the agent of the owner for the purposes of this act.

In case of a contract for the work, between the reputed owner and a contractor, the lien shall extend to the entire contract price and such contract shall operate as a lien in favor of all persons performing labor or services or furnishing materials as herein provided under contract, express or implied, with said contractor, to the extent of the whole contract price; and after all such liens are satisfied, then as a lien for any balance of such contract price in favor of the contractor. All such contracts shall be in writing when the amount to be paid thereunder exceeds five hundred dollars, and shall be subscribed by the parties thereto, and the said contract, or a memorandum thereof, setting forth the names of all the parties to the contract, a description of the property to be affected thereby, together with a statement of the general character of the work to be done, the total amount to be paid thereunder, together with the times or stages of the work for making payments, shall before the work is commenced by the owner or reputed owner, be filed in the office of the County Recorder of the county where the property, or the principal portion thereof, is situated; and in case such contract is not filed, as above provided, the labor done and material furnished by all persons aforesaid before such contract or memorandum is filed, shall be deemed to have been done and furnished at the personal instance of the owner, and they shall have a lien for the value thereof. [3 Mills (Rev.) Stats., 2867.] .

**Payment—Alteration—Notice—Offset**—No part of the contract price shall, by the terms of any such contract, be made payable, nor shall the same, or any part thereof, be paid in advance of the commencement of the work, but the contract price shall, by the terms of the contract, be made payable in installments, or upon estimates, at specified times after the commencement of the work, or on the completion of the whole work; Provided, That at least 15 per cent. of the whole contract price shall be made payable at least thirty-five days after the final completion of the contract.

No payment made prior to the time when the same is due, under the terms and conditions of the contract, shall be valid for the purpose of defeating, diminishing or discharging any lien in favor of any person, except the contractor, or other person to or for whom the payment is made, but as to such liens, such payment shall be deemed as if not made, and shall be applicable to such liens, notwithstanding that the contractor or other person to or for whom it was paid may thereafter abandon his contract, or be or become indebted to the reputed owner in any amount for damages or otherwise, for non-performance of his contract or otherwise. As to all liens, except those of the principal contractors, the whole contract price shall be payable in money, and shall not be diminished by any prior or subsequent indebtedness, offset or counter claim, in favor

of the reputed owner and against the principal contractor, and no alteration of such contract shall affect any lien acquired under the provisions of this act. In case such contracts and alterations thereof do not conform substantially to the provisions of this section, the labor done and materials furnished by all persons other than the principal contractor shall be deemed to have been done and furnished at the personal instance and request of the person who contracted with the principal contractor, and they shall have a lien for the value thereof. Any of the persons mentioned in Section 1, except a principal contractor, may at any time give to the owner or reputed owner or to his superintendent of construction, agent or architect, a written notice that they have performed labor or furnished materials, or both, to or for a principal contractor, or any person acting by authority of the owner or reputed owner, or that they have agreed to and will do so, stating in general terms the kind of labor or materials and the name of the person to or for whom the same was or is to be done or performed, or both, and the estimated or agreed amount in value, as near as may be, of that already done or furnished, or both, and also of the whole agreed to be done or furnished, or both. Such notice may be given by delivering the same to the owner or reputed owner personally, or by leaving it at his residence or place of business with some person in charge, or by delivering it either to his superintendent of construction, agent or architect, or by leaving it either at their residence or place of business, with some person in charge; no such notice shall be invalid or insufficient by reason of any defect of form, provided it is sufficient to inform the owner or reputed owner of the substantial matters herein provided for, or to put him upon inquiry as to such matters. Upon such notice being given, it shall be the duty of the person who contracted with the principal contractor to, and he shall, withhold from such principal contractor, or from any other person acting under such owner or reputed owner, and to whom, by said notice, the said labor or materials, or both, have been furnished or agreed to be furnished, sufficient money due or that may become due, to said principal contractor, or other persons, to satisfy such claim, and any lien that may be filed therefor for record under this chapter, including reasonable costs provided for in this act; and the payment of any such lien, which shall have been acknowledged by such principal contractor, or other person acting under such owner or reputed owner, in writing to be correct, or which shall have been established by judicial determination, shall be taken and allowed as an offset against any moneys which may be due from the owner or reputed owner to such principal contractor, or the person for whom such work and labor was performed. (Section 1 is Section 2867.) [3 Mills (Rev.) Stats., 2868.]

**Extent of Lien—Enforcement—Purchaser Remove—Proviso—**The liens granted by this act shall extend to and cover so much of the lands whereon such building, structure or improvement shall be made as may be necessary for the convenient use and occupation of such building, structure or improvement, and the same shall be subject to such liens; and in case any such building shall occupy two or more lots, or other subdivisions of land, such several lots or other subdivisions shall be deemed one lot for the purposes of this act, and the same rule shall

hold in cases of any other such improvements that shall be practically indivisible, and shall attach to all machinery and other fixtures used in connection with any such lands, buildings, mills, structures or improvements. When the lien is for work done or material furnished for any entire structure, erection or improvement, such lien shall attach to such building, erection or improvement for or upon which such work was done, or materials furnished, in preference to any prior lien or encumbrance, or mortgage upon the land upon which the same is erected, or put, and any person enforcing such lien may have such building, erection or improvement sold under execution and the purchaser at any such sale may remove the same within thirty days after such sale. And any lien provided for by this act shall extend to and embrace any additional or greater interest in any of such property acquired by such owner at any time subsequent to the making of the contract or the commencement of the work upon such structure and before the establishment of such lien by process of law; and shall extend to any assignable, transferable or conveyable interest of such owner or reputed owner in the land upon which such building, structure or other improvement shall be erected or placed. That whenever any person or persons shall hereafter furnish any materials or perform any labor, or both, for the erection, construction, addition to, alteration or repair of two or more buildings, structures or other improvements, when they are built and constructed by the same person or persons, and under the same contract, it shall be lawful for the person or persons so furnishing such materials, or performing such labor, to divide and apportion the same among the said buildings, structures, or other improvements in proportion to the value of the materials furnished for, and the labor performed upon or for each of said buildings, structures or other improvements, and to file with his, her or their lien claim therefor, a statement of the amount so apportioned to each building, structure or other improvement, which said lien claim, when so filed, may be enforced under the provisions of this act in the same manner as if said materials had been furnished and labor performed for each of said buildings, structures or other improvements separately; but if the cost or value of such labor and materials, or either, can not be readily and definitely divided and apportioned among the said several buildings, structures or other improvements, then one lien claim may be made, established and enforced against all such buildings, structures or other improvements, together with the ground upon which the same may be situated, and in such case, for the purposes of this act, all such buildings, structures and improvements shall be deemed one building, structure or improvement, and the land on which the same are situated as one tract of land. [3 Mills (Rev.) Stats., 2869.]

**Lien on Mining Property—Proviso**—The provisions of this act shall apply to all persons who shall do work or shall furnish materials or mining, milling or other machinery or other fixtures, as provided in Section 1 of this act, for the working, preservation, prospecting or development of any mine, lode or mining claim or deposit yielding metals or minerals of any kind or for the working, preservation or development of any such mine, lode or deposit, in search of any such metals or minerals; and to all persons who shall do work upon or furnish materials, mining,

milling or other machinery or other fixtures, as provided in Section 1 of this act, upon, in or for any shaft, tunnel, mill or tunnel site, incline, adit, drift or any draining or other improvement of or upon any such mine, lode, deposit or tunnel site; Provided, That when two or more lodes, mines or deposits owned or claimed by the same person or persons shall be worked through a common shaft, tunnel, incline, adit, drift or other excavation, then all the mines, mining claims, lodes, deposits and tunnel and mill sites so owned and worked or developed shall, for the purposes of this act, be deemed one mine; and Provided, further, That this section shall not be deemed to apply to the owner, or owners of any mine, lode, deposit, shaft, tunnel, incline, adit, drift or other excavation, who shall lease the same in small blocks of ground in areas, whether of surface or beneath the surface, not to exceed 150 feet in length by the width of the claim and for a depth of 150 feet or less to one or more sets of lessees. (Section 1 is 2867.) [3 Mills (Rev.) Stats., 2870.]

**Wells Subject to Lien—On Lot or Land—**That any person or persons, company or corporation, who perform labor or furnish material or supplies for constructing, altering or repairing, or for the digging, drilling or boring, operating, completing or repairing of any gas well, oil well or any other well, by virtue of a contract with the owner or his authorized agent, shall have a lien to secure the payment of the same upon such gas well, oil well, or such other well, and upon the materials and machinery and equipment and supplies so furnished, and in case the contract is with the owner of the lot or land, then such lien shall also be upon the interest of the owner of the lot or land upon which the same may stand, and in case the contract is with the lease holder of the lot or land then such lien shall also be upon the interest of the lease holder on the lot or land upon which the same may stand or in relation to which such material or supplies are furnished. [3 Mills (Rev.) Stats., 2870a.]

**Procedure in Perfecting and Enforcing—**That in perfecting and enforcing the right herein given, the procedure indicated in the laws of this State, and the remedies and rights given, in the statutes of and concerning "liens of mechanics," as the same may now, or in the hereafter shall exist, shall be held to apply, in so far as the same may be applicable. [3 Mills (Rev.) Stats., 2870b.]

**Property Subject to Lien—Except—Proviso—**Any building, mill, manufactory, bridge, ditch, flume, aqueduct, reservoir, tunnel, fence, railroad, wagon road, tramway and every structure or other improvement mentioned in the preceding sections of this act, constructed, altered, added to, removed to or repaired, either in whole or in part, upon or in any land, with the knowledge of the owner or reputed owner of such land, or of any person having or claiming an interest therein, otherwise than under a bona fide prior, recorded mortgage, deed of trust or other incumbrance, or prior lien, shall be held to have been erected, constructed, altered, removed, repaired, or done at the instance and request of such owner or person, but so far only as to subject his interest to a lien therefor as in this section provided; and such interest so owned or claimed shall be subject to any lien given by the provisions of this act, unless such owner or person shall, within five days after he shall have



obtained notice of the erection, construction, alteration, removal, addition, repair or other improvement, aforesaid, give notice that his interests shall not be subject to any lien for the same, by serving a written or printed notice to that effect, personally, upon all persons performing labor or furnishing skill, materials, machinery or other fixtures therefor, or shall, within five days after he shall have obtained the notice aforesaid, or notice of the intended erection, construction, alteration, removal, addition, repair or other improvement aforesaid, give such notice as aforesaid by posting and keeping posted a written or printed notice to the effect aforesaid, in some conspicuous place upon said land or upon the building or other improvement situate thereon; Provided, That this section shall not apply to co-owners of unincorporated canals, ditches, flumes, aqueducts, and reservoirs, nor to the enforcement of chapter 116 of the session laws of Colorado of 1893; and Provided, further, That the provisions of this section shall not be construed to apply to any owner or person claiming any interest in such property who shall have contracted for any erection, structure or improvement mentioned in this act. (Chapter 116 is sections 2872a-2872j.) [3 Mills (Rev.) Stats., 2871.]

**Lien Relates Back—Priority—Attachments—**All liens established by virtue of this act shall relate back to the time of the commencement of work under the contract between the owner and the first contractor, or, if said contract be not in writing, then such liens shall relate back to and take effect as of the time of the commencement of the work upon the structure or improvement, and shall have priority over any and every lien or encumbrance subsequently intervening, or which may have been created prior thereto, but which was not then recorded, and of which, the lienor, under this act, did not have actual notice. Nothing herein contained, however, shall be construed as impairing any valid encumbrance upon any such land, duly made and recorded prior to the signing of such contract, or the commencement of work upon such improvement or structure. No attachment, garnishment or levy under an execution upon any money due or to become due to a contractor from the owner, or reputed owner, of any such property, subject to any such lien, shall be valid as against such lien of a sub-contractor or material men, and no such attachment, garnishment, or levy upon any money due to a sub-contractor or material men of the second class, as herein provided, from the contractor shall be valid as against any lien of a laborer employed by the day or piece, who does not furnish any material as herein classified. [3 Mills (Rev.) Stats., 2872.]

**Liens Also Attach—**Such liens shall likewise attach to rights of water and rights of way that may in any manner pertain to any kind of property hereinbefore specified and to which such liens attach. In case of corporations such liens shall attach to all the franchises and charter privileges that may in any manner pertain to said specified property. [3 Mills (Rev.) Stats., 2873.]

**Principal Contractors—Sub-Contractors—Rank—**Every person given a lien by this act whose contract, either express or implied, is with the owner or reputed owner or his agent or other representative, shall be a principal contractor and all others sub-contractors; and in every case in which different liens are claimed against the same property the rank of

each lien, or class of liens, as between the different lien claimants, shall be declared and ordered to be satisfied in the decree or judgment in the following order named:

First. The liens of all those who were laborers or mechanics working by the day or piece, but without furnishing material therefor, either as principal or sub-contractors.

Second. The liens of all other sub-contractors and of all material men whose claims are either entirely or principally for materials, machinery or other fixtures, furnished either as principal or sub-contractors.

Third. The liens of all other principal contractors; and all funds realized in any and all actions for the satisfaction of liens against the same improvements or structures shall be paid out in the order above designated. [3 Mills (Rev.) Stats., 2874.]

**Statements—Serve Notice—Proviso—File Lien—Completion—**Any person wishing to avail himself of the provisions of this act shall file for record, in the office of the County Recorder of the county wherein the property, or the principal part thereof, to be affected by the lien is situated, a statement containing:

First. The name or names of the owner or owners or reputed owner or owners of such property, or in case such name or names be not known to him, a statement to that effect.

Second. The name of the person claiming the lien, the name of the person who furnished the material or performed the labor, agent, or the acceptance by said owner or his agent of said building, improvement or structure, shall, for the purpose of this act, be deemed conclusive evidence of completion; and cessation from labor for thirty days upon any unfinished contract or upon any unfinished building, improvement or structure, or the alteration, addition to, or repair thereof, shall be deemed equivalent to a completion thereof, for all the purposes of this act. [3 Mills (Rev.) Stats., 2875.]

**Action to Enforce Lien—Proviso—**No lien claimed by virtue of this act shall hold the property longer than six months after the completion of the building, structure or other improvement, or the completion of the alteration, addition to, or repair thereof, as prescribed in Section 9 of this act, unless an action be commenced within that time to enforce the same; Provided, That where two or more liens are claimed of record against the same premises or property, the commencement of any action within that time by any one or more of such lien claimants in which action or actions all the lien claimants, as appear by the records, are made parties, either plaintiff or defendant, shall be sufficient. (Section 9 is Section 2875.) [3 Mills (Rev.) Stats., 2876.]

**Consolidate Actions—Parties—**Any number of persons claiming liens against the same property and not contesting the claims of each other, may join as plaintiffs in the same action; and, when separate actions are commenced, the court or the judge thereof may consolidate them upon motion of any party or parties in interest, or upon its own motion.

Upon such procedure for consolidation, one case shall be selected with which the other cases shall be incorporated; and all the parties to such other cases shall be made parties plaintiff or defendant as the court or judge may designate in said case so selected. All persons having claims

for liens, the statements of which shall have been filed as aforesaid, shall be made parties to the action.

Those claiming liens who fail or refuse to become parties plaintiff or for any reason shall not have been made such parties, shall be made parties defendant. Any party claiming a lien, not made a party to such action, may, at any time within the period provided in Section 9 of this act, be allowed to intervene by motion, upon cause shown, and may be made a party defendant on the order of the court or the judge thereof, and shall fix, by such order, the time for such intervenor to plead or otherwise proceed. The pleadings and other proceedings of such intervenor thus made a party shall be the same as though he had been an original party. Any defendant who claims a lien shall, in answering, set forth by cross complaint his claim and lien. Likewise such defendant may set forth in said answer defensive matter to any claim or lien of any plaintiff or co-defendant, or otherwise deny such claim or lien. The owner or owners of the property to which such lien shall have attached, and all other parties claiming of record any right, title, interest or equity therein, whose title or interests are to be charged with or affected by such lien, shall be made parties to the action. [3 Mills (Rev.) Stats., 2877.]

**Parties to Action Amend Pleading**—It shall be sufficient to allege in the complaint, in relation to any party claiming a lien, when it is desired to make a defendant, that such party claims a lien under this act upon the property described; and in case of the intervention of parties, or of the making of new parties, or of the consolidation of actions, so that the issues are in any manner changed or increased, any party to the action shall be allowed to amend his pleadings, or file new pleadings, as the nature of the case may require. [3 Mills (Rev.) Stats., 2878.]

**Advance to Head of Docket—Referee—Decree—Proviso**—The court, whenever the issues in such case are made up, shall advance such cause to the head of the docket for trial and may proceed to hear and determine said liens and claims, or may refer the same to a referee to ascertain and report upon said liens and claims and the amount justly due thereon.

Judgments shall be rendered according to the rights of the parties. The various rights of all the lien claimants and other parties to any such action, shall be determined and incorporated in one judgment or decree. Each party who shall establish his claim under this act shall have judgment against the party personally liable to him for the full amount of his claim so established, and shall have a lien established and determined in said decree upon the property to which his lien shall have attached to the extent hereinbefore stated;

Provided, always, That proceedings to foreclose and enforce mechanics liens under this act shall be deemed actions *in rem*, and that service by publication may be obtained against any defendant therein in manner as by law provided, and that personal judgment against the principal contractor or other person personally liable for the debt for which the lien is claimed shall not be requisite to a decree of foreclosure in favor of a sub-contractor or material man. [3 Mills (Rev.) Stats., 2879.]

**Satisfaction of Lien—Proceeds—Remainder Paid to Owners—Execution**—The court shall cause said property to be sold in satisfaction of



said liens and costs of suit, as in the case of foreclosure of mortgages; and any party in whose favor a judgment for a lien may have been rendered, may cause the property to be sold within the time and in the manner provided for sales of real estate on exceptions issued out of any court of record, and there shall be the same rights of redemption as are provided for in the case of sales of real estate on executions. And if the proceeds of such sale after the payment of costs, shall not be sufficient to satisfy the whole amount of such liens included in the decree of sale, then such proceeds shall be apportioned according to the rights of the several parties. In case the proceeds of sale amount to more than the sum of said liens and all costs, then the remainder shall be paid over to the owner of said property; and each party whose claim is not fully satisfied in the manner hereinbefore provided, shall have execution for the balance unsatisfied against the party personally liable, as in other cases. In the first instance without a previous sale of said property to which such liens shall have attached, an execution may issue in behalf of any such lien claimant for the full amount of his claim against the party personally liable, and he may thereafter enforce such lien for any balance of such judgment remaining unsatisfied. A transcript of the docket of said judgment and decree may be filed with the Recorder of the county where such property is situated, or in any other county, and thereupon said judgment and decree shall become a lien upon the real property in such county of each party so personally liable in favor of any such lien claimant holding any such judgment against any such party so personally liable, as in other cases of recording transcripts of judgment. [3 Mills (Rev.) Stats., 2880.]

**Parties to Action**—Principal contractors and all other persons personally liable for the debt for which the lien is claimed shall be made parties to actions to enforce liens under this act, and service of summons shall be made either personally or by publication in the same manner and with like effect as is now provided by law in cases of attachment and other proceedings *in rem*. [3 Mills (Rev.) Stats., 2881.]

**Lien Claimant Assign—Statement Evidence Not Support Lien**—Any party claiming a lien, may assign, in writing, his claim and lien to any other claimant or other person, who shall thereupon have all the rights and remedies of the assignor, for the purpose of filing and for the enforcement of any such lien by action under this act, and the assignment shall be a sufficient consideration as to all other parties for the purpose of such action. Such assignment may be made before or after the filing of the statement of lien. Any such claimant, whether as assignee or otherwise, may include all the liens he may possess against the same property in any such statement, and when more than one such claim shall be included in one such statement, one verification thereto shall be sufficient. Any person may file separate statements of two or more claims. If, on the trial of a cause under the provisions of this act, the proceedings will not support a lien, the plaintiff or plaintiffs and all lien claimants entitled thereto may proceed to judgment as in an action on contract, and executions may issue as in such cases provided, and said judgment or judgments shall have all the rights of a judgment in a personal action. [3 Mills (Rev.) Stats., 2883.]



**Release of Lien—Tender of Payment—**The claimant of any such lien or liens the statement or statements of which have been filed as aforesaid, on the payment of the amount thereof, together with the costs of filing and recording such lien or liens, and the acknowledgment of satisfaction (and accrued costs of suit in case suit has been brought thereon) shall, at the request of any person interested in the property charged therewith, enter or cause to be entered an acknowledgment of satisfaction of the same of record, and if he shall neglect, or refuse to do so, within ten days after the written request of any person so interested, he shall forfeit and pay to such person the sum of ten dollars per day for every day of such neglect or refusal, to be recovered in the same manner as other debts. A valid tender of payment, refused by any such claimant, shall be equivalent to a payment for the purpose of this section. Any such statement may be satisfied of record in the same manner as mortgages. [3 Mills (Rev.) Stats., 2884.]

**Agreement to Waive—Construction—**No agreement to waive, abandon or refrain from enforcing any lien provided for by this act shall be binding except as between the parties to such contract; and the provisions of this act shall receive a liberal construction in all cases. [3 Mills (Rev.) Stats., 2885.]

**No Payments During Progress of Work—**This act shall not be construed to prevent payments being made to a contractor during the progress of the work, but no payment shall be made unless receipts are produced from all sub-contractors, including laboring men, material men, up to the date of any such payment, nor shall it apply to contracts where the contract price is less than \$200. [3 Mills (Rev.) Stats., 2891.]

## LIENS.

Miners, Mill Men, Etc.

**Lien on Mining Property—Furnishing Material—**Section 1. That every miner or other person, who at the request of the owner or owners of his, its or their agents of any lode, lead, ledge, mine, deposit bearing, exploring or developing silver, gold, cinnabar, copper, or other ores or minerals, or any coal bank or coal mine, or at the request of any contractor or sub-contractor shall perform any labor whatever on said mine, lode, lead, ledge, deposit or bank, or upon any mill or other property which is appurtenant or appertains to said mines, or furnishes any timber, powder, rope, nails, candles, fuse, caps, rails, spikes, steel or iron or any other material whatever used in the sinking of any shaft upon any such property or for running drifts, tunnels, levels, or making stopes thereon or making other openings thereon of any kind whatever, or for timbering any of such workings, or who shall furnish any of said materials or any machinery of any kind or character for hoist or windlass thereon or for any purpose of mining upon said property, or for any car track, cars used thereon, or shall perform any labor in any of said workings upon said property, or shall furnish any material whatever for use in or about any mill which may be appurtenant or appertaining or used in connection with any mining claim, or perform any labor therein, shall have a first lien upon any or all of such property hereinbefore mentioned prior and superior to every other lien or incumbrance placed

upon such property or any of it subsequent to the commencement of any such work or labor mentioned herein or to the commencement of the furnishing of any of the materials mentioned herein which may be created after the passage of this act upon such lode, lead, ledge, mine, deposit, bank, mill, tunnel or other working or improvement and upon any property appurtenant thereto or made in connection with the workings of any mine to secure the payment of said labor or said material.

**Present Claim to Owner**—Section 2. Every miner or other person doing or performing any work or furnishing any materials as specified in Section 1, under a contract either express or implied between the owner or owners of any mine or his or their agent, and any contractor working on such mine, whether such work shall be performed or materials furnished as miner, laborer, or otherwise, whose demand for work so performed or materials so furnished has not been paid, may deliver to the owner or owners of such mine or tunnel, or to his or their agent or superintendent, an attested account of the amount and value of the work and labor thus performed or of the materials thus furnished and remaining unpaid, and thereupon such owner or owners or his or their agent shall retain out of the first subsequent payments to such contractor the amount so due for such work and labor or material furnished, for the benefit of the person so performing or furnishing the same.

**Owner Notify Contractor**—Section 3. Whenever any account for labor performed or materials furnished as specified in the last preceding section shall be placed in the hands of the owner or owners of any mine or tunnel, or his or their agent, it shall be the duty of such owner or owners or agent to furnish such contractor with a copy of such papers so that if there be a disagreement between such contractor or his sub-contractor and the creditor of either, as the case may be, they may by amicable adjustment or by arbitration ascertain the sum due, if any; and if such contractor or sub-contractor shall not within ten days after the receipt of such papers give such owner or owners, or agent, written notice that he intends to dispute the claim, or if ten days after giving such notice he shall refuse or neglect to have the matter adjusted as aforesaid, he shall be considered as assenting thereto; and such owner or owners or agent may pay the same when it becomes due, and for that purpose may deduct the amount out of any moneys due by him to his sub-contractor, in case such amount or demand is against such sub-contractor for work and labor performed, or materials furnished as aforesaid.

Section 4. The amount which may be due from any contractor to his creditor may be recovered from said owner or owners by the creditor of said contractor in any action at law to the extent and value of any balance due by the owner or owners to his or their contractor under the contract with him, at the time of the notice first given as aforesaid, or subsequently, according to such contractor or under the same.

**Make Claim in Thirty Days**—Section 5. Any person entitled to a lien under this article shall make an account in writing of the items of labor, skill, machinery and materials furnished, as the case may be,

and after making oath thereto, shall within sixty days from the time of completing such labor and skill or furnishing the last item of machinery or materials, file the same in the office of the clerk of the District Court of the county or subdivision in which the lode, lead, ledge, mine, deposit, bank or tunnel may be situated, for or upon which labor, skill, machinery or materials shall have been furnished; and also file at the same time a correct description of the property to be charged with said lien, which account and description so made and filed shall be recorded in a separate book to be provided for the purpose by such clerk of court, and thereupon the same shall from the time of completion of the work or furnishing the last item of machinery or materials, and for one year thereafter, operate as a lien on the property charged in such description; when any work and labor has been performed or materials furnished as aforesaid under a written contract, the same, or a copy thereof, shall be filed with said account and description; Provided, That all lien claims for labor performed or materials furnished shall be concurrent liens upon the property charged, and shall be paid pro rata out of proceeds arising from the sale thereof, if the same shall be sold or upon settlement without sale.

**Obtain Judgment by Civil Action**—Section 6. Any person holding such lien may proceed to obtain a judgment for the amount of his account thereon by civil action, and when any suit or suits shall be commenced thereon such lien shall continue until said suit or suits be finally determined and satisfied; and in all actions instituted under this article, all persons claiming liens upon the property charged shall be made parties to such action or proceeding, and the rights of all parties therein shall be determined by the Court, and such order made in regard thereto as shall preserve and protect the rights of all such parties under the provisions of this article.

**Forfeit Claim**—Section 7. Any person who shall have filed his account and perfected his lien under the provisions of this article and shall have received satisfaction of his claim or demand and the legal costs of his proceedings thereunder, shall upon the request of any person interested, and within six days after such request, enter satisfaction of his lien in the office where such account and lien is of record, which shall forever thereafter discharge, defeat and release the same; and if any person holding a lien as aforesaid shall receive satisfaction as hereinbefore specified, or having been tendered the amount due on his claim or demand with legal costs, shall not within six days after receiving such satisfaction or tender of payment enter satisfaction as aforesaid, he shall forfeit and pay to the person or persons aggrieved double the amount of damages which may have been sustained in consequence of such failure or neglect, provided he shall have been required in such case to enter satisfaction as aforesaid.

**Apply to Oil Wells**—Section 8. The provision of this article shall apply to oil wells or springs, iron and lead mines, as well as all other mines not herein specified, so far as the same may be applicable.

**Repealing Clause**—Section 9. All Acts and parts of acts in conflict herewith are hereby repealed.

Approved June 4th, 1911.

## LIENS.

(Railroads and Irrigation Co.'s)

**Shall Take Bonds and Be Liable for Labor and Goods—Section 1.** That whenever any railroad, reservoir or irrigation canal company shall contract with any person, persons or corporation for the construction of its railroad, reservoir or irrigating canal or any part thereof, such company shall take from the person, persons, or corporation with whom such contract is made, a good and sufficient bond, conditioned that such contractor or contractors shall pay or cause to be paid all laborers, mechanics, material men, ranchmen, farmers, merchants, and other persons who supply such contractor or contractors, or any of his or their sub-contractors, with labor, work, material, ranch or farm products, goods or supplies of any kind, all just debts incurred therefor in carrying on such work, which bond shall be filed by such company in the office of the County Clerk and Recorder in the county where the principal work of such contractor shall be carried on; and if any such railroad, reservoir or irrigating canal company shall fail to take such bond, such company shall be liable to the persons herein mentioned to the full extent of all such debts so contracted by such contractor, or contractors, or any of his or their sub-contractors. Any such contractor or contractors may take a similar bond from each of his or their sub-contractors to secure the payment of all debts of the kind above mentioned, incurred by him, and file the same as above provided. All such persons mentioned in this section to whom any debt of the kind above mentioned shall be due from any such contractor or sub-contractor shall severally have a right of action upon any such bond covering such debt taken as herein provided for the recovery of the full amount of such debt, and a certified copy of the bond shall be received as evidence in any such action. Provided, however, that in order that the right of action upon such bonds may exist, such person or parties herein granted such right shall comply with either of the following conditions, to wit: First, an action in a court of competent jurisdiction in the county where such bond is filed shall be commenced within ninety days after the last item of indebtedness shall have accrued; or, second, an itemized statement of the indebtedness duly verified shall within ninety days after the last item of such indebtedness shall have accrued be filed in the office of the County Clerk of the proper County; and an action shall be brought in any court of competent jurisdiction of such county within three months after the filing of such statement. In case an action is commenced upon the bond of a contractor, such contractor may give notice thereof to the sub-contractor thereof liable for the claim, and in such case the result of such action shall be binding upon the sub-contractor, and his sureties, and in any case when a contractor has paid a claim for which a sub-contractor is liable, such contractor shall bring action against the sub-contractor and his sureties within sixty days after the payment of such claim.

**Deliver Statement of Debt to Owner of Plant—Section 2.** Every laborer, mechanic, ranchman, farmer, merchant or other person performing any work or labor or furnishing any material, ranch or farm products, provisions, goods or supplies to any contractor or sub-contractor, in the construction of any railroad, reservoir or irrigating canal, or any part



thereof, used by such contractor or sub-contractor in carrying on said work of construction whose demand for work, labor, material, ranch or farm products, provisions, goods or supplies so furnished has not been paid, may deliver to the company owning such railroad, reservoir or irrigating canal or to its agent, a verified account of the amount and value of the work and labor so performed or the material, ranch or farm products, provisions, goods or supplies so furnished, and thereupon such company, or its agent, shall retain out of the subsequent payments to the contractor or contractors the amount of such unpaid account for the benefit of the person to whom the same is due.

**Owner Furnish Contractor With Statement**—Section 3. Whenever any verified account mentioned in the last preceding section shall be placed in the hands of any railroad, reservoir or irrigating canal company or its agent as above stated, it shall be the duty of such company to furnish the contractor with a copy of such verified account, so that if there be any disagreement between the debtor and creditor as to the amount due the same may be amicably adjusted, and if the contractor or sub-contractor, if he be the debtor, shall not, within ten days after the receipt of such amount, give the same railroad, reservoir or irrigating canal company or its agent, written notice that the claim is disputed, he shall be considered as assenting to its payment and the railroad, reservoir or irrigating canal company or its agent shall be justified in paying the same when due and charging the same to the contractor. The person or persons to whom any such debt is due and who shall deliver a verified account thereof as above provided may recover the amount thereof in an action at law, to the extent of any balance due by the railroad, reservoir or irrigating canal company to the contractor at or after the time of delivering the verified account. Provided, That nothing contained in this section or in Section 2 of this act shall interfere with the right of action upon bond or bonds provided for in Section 1, or against the railroad, reservoir or irrigating canal company for the full amount of any such debt in case of a failure of the company to take a bond.

Approved May 29th, 1911.

#### **METALLIFEROUS MINES.**

**Mining Districts—Inspectors—Assistants—Removal**—The Commissioner of Mines shall divide the State into three metalliferous mining districts and shall, with the consent of the Governor, appoint three (3) inspectors of practical experience in mining, citizens of the United States and legal voters of the State of Colorado, and having had not less than seven (7) years' practical experience in mining in the State of Colorado, who shall hold their office for the term of two (2) years. Immediately after such appointment of said inspectors, the said Commissioner of Mines shall assign an inspector to each of said districts, and said inspector so assigned shall maintain a branch office in one county of his district wherein extensive mining is carried on, and the said Commissioner of Mines shall have authority to require that said inspector shall, during his term of office, or such part thereof as he may determine, remain in the district to which he is appointed, wherein extensive mining is carried on, and whose additional duties shall be as

hereinafter specified, and he shall appoint a clerk, who must have a general knowledge of mineralogy, and shall act as assistant curator for the State mineral collection; and before entering upon the discharge of their duties, they shall subscribe to the oath required by the Constitution, and each give bond to the State in the sum of \$5,000.00, to be approved by the Governor, conditioned upon the faithful performance of their duties, respectively; said bonds shall, together with the Commissioner's bond, be deposited with the Secretary of State. The Commissioner of Mines may appoint a stenographer, who shall act as assistant clerk, and such other competent assistants as he may deem necessary for the carrying out of the object of this act; Provided, Appropriation be made therefor, and shall have the power, with the consent of the Governor, at any time, to remove the inspectors, clerks or other assistants for incompetency, neglect of duty or abuse of the privileges of this office. [3 Mills (Rev.) Stats., 3206b.]

**Inspectors—Duties Of**—It shall be the duty of the inspectors to examine and report to the Commissioner the condition of the hoisting machinery, engines, boilers, whims, cages, cars, buckets, ropes and cables in use in all the metalliferous mines in operation in the State, the appliances used for the extinguishment of fires, the manner and methods of working and timbering the shafts, drifts, inclines, stopes, winzes, tunnels and upraises through which persons pass while engaged in their daily labors, all exits from the mine and how the mine is ventilated, together with the sanitary condition of the same, and also how and where all explosives and inflammable oils and supplies are stored, also the system of signals used in the mine. He shall not give notice to any owner, agent, manager or lessee of the time when such inspection shall be made. [3 Mills (Rev.) Stats., 3206c.]

**Deputy Inspectors—Appointment**—The Commissioner of Mines may, as appropriations may be made therefor, from time to time, appoint deputy inspectors in the various mining camps or districts to investigate or report on accidents, or appoint such other competent assistants as he may deem necessary and proper for the carrying out of the object of this act; for the purpose of making more extended geological researches and surveys concerning the mineral districts of the State; the appointments of said deputy inspectors or assistants to become void upon the performance of the specific things or acts designated by the Commissioner in their said appointment; but the entire expenses of the bureau must not, in any one year, be greater than can be paid out of the fund or appropriation provided therefor. [3 Mills (Rev.) Stats., 3206d.]

**Not Act as Managers—Inspect Mines—Accident**—The Commissioner of Mines, inspectors, or either of them, shall not act as manager, or agent or lessee, for any mining or other corporation during the term of his office, but shall give his whole time and attention to the duties of the office to which he has been appointed. No officer of this bureau nor any agent or person in any way connected therewith, shall make a report of any mine or mining property with the intent to promote or aid in the sale or other conveyance thereof, and any such officer, agent, or person violating this provision shall, upon conviction thereof, pay a

fine of not less than five hundred (\$500.00) dollars, nor more than five thousand dollars (\$5,000.00) or be imprisoned in the State penitentiary not less than one (1) nor more than three (3) years or both in the discretion of the court. The Commissioner shall, on receipt of reliable information relating to the health and safety of the workmen employed in any metalliferous mine, mill or reduction plant in the State, or whenever he deems such inspection necessary, examine or instruct one of the inspectors to examine and report to him the condition of the same. The owner, agent, manager or lessee shall have the right to appeal to the Commissioner on any difference that may arise between such parties and the inspector. On receipt of notice of any accident in a mine, mill or reduction plant, whether fatal or not, the Commissioner shall inquire into the cause of such accident. [3 Mills (Rev.) Stats., 3208.]

**Commissioner Make Biennial Report—Bulletins**—It shall be the duty of the Commissioner of Mines to biennially make report to the Governor, showing the amount of disbursements of the bureau under his charge, the progress made and such statistical information in reference to mines, mining, milling and smelting as shall be deemed important, and shall transmit copies of said report to the General Assembly at the biennial session. There shall be printed at least one thousand (1,000) copies of said report for distribution, and said reports shall contain a review of the work of the bureau.

The Commissioner may, from time to time, with the consent of the Governor, as appropriations may be made therefor, compile, publish and distribute bulletins upon subjects, districts and counties; such bulletins, when treating of a district or county, shall give in detail the history, geology, mines, mills, process of treatment and results, together with a classification and location of mines and prospects, together with maps of the same; one thousand (1,000) copies shall be distributed free to State and county officers, public libraries, newspapers, magazines and exchanges of the bureau, and the remainder sold at cost of printing. [3 Mills (Rev.) Stats., 3209.]

**Officers Admitted Not Obstruct Working**—Every owner, agent, manager or lessee of any metalliferous mine or metallurgical plant in this State shall admit the Commissioner or inspector on the exhibition of his certificate of appointment, for the purpose of making examination and inspection provided for in this act, whenever the mine is in active operation and render any necessary assistance for such inspection. But said Commissioner or inspector shall not unnecessarily obstruct the working of said mine or plant. The refusal of the owner, agent, manager or lessee to admit the Commissioner or inspector to such mine or plant to lawfully inspect the same, shall, upon conviction, be deemed a misdemeanor, and shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) or be imprisoned not less than one (1) nor more than three (3) months, or both such fine and imprisonment. [3 Mills (Rev.) Stats., 3210.]

**Commissioner Give Notice of Defects**—The Commissioner and inspectors shall exercise a sound discretion in the enforcement of this act and if they shall find any matter, thing, or practice in or connected

with any metalliferous mine or metallurgical plant to be dangerous or defective, so as to, in their opinion, threaten or tend to the bodily injury of any person, the Commissioner or inspector shall give notice in writing thereof to the owner, agent, manager or lessee of such mine or plant, stating in such notice the particulars in which he considers such mine, or plant, part thereof or practice to be dangerous or defective; and he shall order the same to be remedied; a copy of said order shall be filed and become a part of the records of the Bureau of Mines, and said owner, agent, manager or lessee shall, upon compliance of said order, immediately notify the Commissioner of Mines in writing. Upon the refusal or failure of said owner, agent, manager or lessee to report within reasonable length of time, said owner, agent, manager or lessee shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred (\$300.00) dollars for each and every such refusal or failure. [3 Mills (Rev.) Stats., 3211.]

**Officer Not Reveal Information**—If the Commissioner, inspectors or either of them, shall reveal any information in regard to metallurgical processes, ore bodies, chutes or deposits of ore or location, course or character of underground workings or give any information or opinion respecting any mine or metallurgical process, obtained by them in making such inspection, except in the way of official reports filed for record, as hereinbefore provided, on conviction thereof he or they shall be removed from the office and fined in a sum not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00). [3 Mills (Rev.) Stats., 3212.]

**Operators' Failure to Conform**—In case the owner, agent, manager or lessee, after written notice being duly given, does not conform to the provisions of this act, or disregards the requirements of this act or any of its provisions, or lawful order of the Commissioner or inspector made hereunder, any court of competent jurisdiction may, on application or information of the Commissioner of Mines, by civil action in the name of the people of the State of Colorado, enjoin or restrain the owner, agent, manager or lessee from working the same until it is made to conform to the provisions of this act; and the costs of action paid by defendant, and such remedy shall be cumulative, and shall not affect any other proceedings against such owner, agent, manager or lessee, authorized by law for the matters, complained of in such action. [3 Mills (Rev.) Stats., 3213.]

**Storing Explosives—Warming Powder**—That explosives must be stored in a magazine provided for that purpose alone; said magazine to be placed far enough from the working shaft, tunnel or incline to insure the same remaining intact in the event the entire stock of explosives in said magazine be exploded; that all explosives in excess of the amount required for a shift's work must be kept in said magazine; that no powder or other explosives be stored in underground workings where men are employed; that each mine shall provide and employ a suitable device for thawing or warming powder and keep the same in condition for use; that oils or other combustible substances shall not be kept or stored in the same magazine with explosives. [3 Mills (Rev.) Stats., 3220.]



**Regulating Storage in Supply Stores**—That the Commissioner of Mines of the State of Colorado shall have authority to regulate and limit the amount of nitro powder stored or kept in general supply stores in mining camps or mining towns where there is no municipal law governing the storage of same. [3 Mills (Rev.) Stats., 3220a.]

**Tamping Bar**—That no person shall, whether working for himself or in the employ of any person, company or corporation, while loading or charging a hole with nitro glycerine powder or other explosives, use or employ any steel or iron tamping bar; nor shall any mine manager, superintendent, foreman or shift boss, or other person having the management or direction of mine labor, allow or permit the use of such steel, iron or other metal tamping bar by employes under his management or direction. [3 Mills (Rev.) Stats., 3220b.]

**Remove Old Timber**—That all old timber removed shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay underground. [3 Mills (Rev.) Stats., 3220c.]

**Hoisting Engineer**—That no person addicted to the use of intoxicating liquors or under eighteen years of age shall be employed as hoisting engineer. [3 Mills (Rev.) Stats., 3220d.]

**Hoisting Apparatus—Indicators**—That all hoisting machinery, using steam, electricity, air or hydraulic motive power, for the purpose of hoisting from or lowering into metalliferous mines employes and material, shall be equipped with an indicator, said indicator to be so placed near to and in clear view or hearing of the engineer. [3 Mills (Rev.) Stats., 3220e.]

**Code of Signals**—That there shall be established by the Commissioner of Mines of the State of Colorado a uniform code of signals, embracing that most generally in use in metalliferous mines, which shall be adopted in all mines using hoisting machinery. The code of signals shall be securely posted, in clear and legible form, in the engine room, at the collar of the shaft and at each level or station. In all shafts equipped with cages, such shafts and cages shall be fully equipped with a system of electric signals from cages and stations to engineer wherever possible. [3 Mills (Rev.) Stats., 3220f.]

**Fire Protection**—That all mines having but one exit, and the same covered with a building containing the mechanical plant, furnace room, and blacksmith shop, shall have fire protection, water if possible, and in mines where water is not available, chemical fire extinguishers or hand grenades shall be kept in convenient places for immediate use. [3 Mills (Rev.) Stats., 3220g.]

**Riding With Supplies**—That all persons shall be prohibited from riding upon any cage, skip or bucket loaded with tools, timber, powder or other material, except for the purpose of assisting in passing same through shaft or incline and then only upon special signal. [3 Mills (Rev.) Stats., 3220h.]

**Giving False Signals**—All persons giving or causing to be given false signals, or riding upon any cage, skip or bucket upon signals that designate to the engineer that no employes are aboard, shall be deemed guilty of a misdemeanor. [3 Mills (Rev.) Stats., 3220i.]

**Shafts—Compartments—Landings—Incline Shafts**—That all shafts more than two hundred (200) feet in depth equipped with hoisting machinery, shall be divided into at least two (2) compartments, and one compartment to be partitioned off and set aside for a ladder-way. The ladders shall be made sufficiently strong for the purpose demanded, and in vertical shafts, landings shall be constructed not more than twenty (20) feet apart, said landings to be closely covered, except an opening large enough to permit the passage of a man; said ladders shall be inclined at the most convenient angle which the space allows, and shall be firmly fastened, and kept in good repair. In all incline shafts the landings shall be put in as above described, but a straight ladder on the incline of the shaft. Ladders in upraises and winzes shall be likewise provided and kept in repair, but where winzes connecting levels are used only for ventilation and exit, only one such winze on each level need be equipped. [3 Mills (Rev.) Stats., 3220j.]

**Shafts Equipped With Buildings**—That hereafter shafts equipped with buildings and machinery, with only the working shaft for exit, shall be divided into at least two (2) compartments, one of which shall be tightly partitioned off and used for a ladder-way as hereinbefore provided for; said ladder-way shall be securely bulkheaded at a point at least twenty-five feet below the collar of the shaft, and below this bulkhead, a drift shall be run to the surface, if location of shaft is upon side hill; if location of shaft is upon a level, the drift shall be run to a safe distance without the walls of the building and from there upraised to the surface. Said ladder-ways and landings shall be kept at all times in good repair and afford easy mode of escape in event of fire. [3 Mills (Rev.) Stats., 3220k.]

**Tunnels or Adit Levels—Connect With Surface**—That hereafter all tunnels or adit levels at a safe distance from the mouth of same shall connect with the surface, and be provided with safe and suitable ladders, and thus afford a means of exit in case of fire destroying buildings over the mouth of tunnel or adit level. [3 Mills (Rev.) Stats., 3220l.]

**Employes Sinking Shaft**—That employes engaged in sinking shaft or incline, shall at all times, be provided with chain or other kind of ladder so arranged as to insure safe means of exit. [3 Mills (Rev.) Stats., 3220m.]

**Collar of Shaft—Safety Clutches—Shaft Doors**—That in all shafts, hereafter constructed collars of same shall be protected in such manner that persons or foreign objects can not fall into the shaft. In all shafts equipped with cages, safety clutches shall be used. In shafts equipped with buckets, shaft doors must be constructed which will prevent any material falling into shaft from dumping. [3 Mills (Rev.) Stats., 3220n.]

**Stations or Levels—Guard Rail—Winzes**—That all stations or levels shall, when practicable, have a passage-way around the working shaft, so that crossing over the working compartment can be avoided. At all shaft stations a guard rail or rails shall be provided and kept in place across the shaft, in front of the level, so arranged that it will prevent persons from walking, falling or pushing a truck, car or other conveyance into the shaft. All winzes and mill holes extending from one level to another

shall be covered or surrounded with guard-rails to prevent persons from stepping or falling into the same. [3 Mills (Rev.) Stats., 3220o.]

**Pillars—Stoping Near Shaft**—That where any shaft is sunk on a vein, ore shoot or body, a pillar of ground shall be left standing on each side of the shaft of sufficient dimensions to protect and secure the same, and in no case shall stoping be permitted up to or within such close proximity to the shaft as to render the same insecure, until such time as the mine is to be abandoned and said pillars withdrawn. [3 Mills (Rev.) Stats., 3220p.]

**Abandoned Shafts**—That all abandoned mine shafts, pits or other excavations endangering the life of man or beast shall be securely covered or fenced. [3 Mills (Rev.) Stats., 3220q.]

**Removing Covering or Fencing—Misdemeanor**—That any person or persons removing or destroying any covering or fencing placed around or over any shaft, pit or other excavation, as hereinbefore provided, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction shall be fined in a sum of not less than fifty dollars (\$50.00) or more than three hundred dollars (\$300.00) or imprisonment in the county jail for six months, or by both fine and imprisonment. [3 Mills (Rev.) Stats., 3220r.]

**Owner or Operator Report—Contents**—That any owner, person or persons operating any metalliferous mine, mill or metallurgical plant and employing two or more men shall report to the Bureau of Mines and state when work is commenced and when stopped, and mines working continuously shall report on or before November 1 of each year, together with the names of the owners and managers or lessees in charge of said work, together with the postoffice address; the name of the claim or claims to be operated, the name of the county and mining district, together with the number of men employed, directly or indirectly, the same being classified into miners, trammers, timbermen, ore sorters, mill men, teamsters, etc. The necessary blanks to carry out the provisions of this section shall be furnished upon application by the Commissioner of Mines. [3 Mills (Rev.) Stats., 3220s.]

**Misrepresenting or Withholding Facts From Inspector**—That any owner, lessee, manager, superintendent or foreman in charge of any metalliferous mine, mill or metallurgical plant who shall wilfully misrepresent or withhold facts or information from any inspector or other officer of the Bureau of Mines, regarding the mine, such as length of time timbers have been in place, or making any misrepresentation tending to show safety when the reverse is true, shall be deemed guilty of misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not less than one hundred dollars, nor more than three hundred dollars. [3 Mills (Rev.) Stats., 3220t.]

**Maximum Number Riding—Post Notice**—Notice of the maximum number of men permitted to ride upon or in the cage, skip or bucket, at one time, shall be posted at the collar of the shaft and each level. All men or employes riding upon or in an overloaded cage, skip or bucket, as provided in notice so posted, shall be guilty of a misdemeanor, and upon conviction in a competent court shall be fined not less than five

dollars nor more than fifty dollars for each and every offense. [3 Mills (Rev.) Stats., 3220v.]

**Reporting Injuries—Refusal or Failure—Misdemeanor—**Any owner, agent, manager or lessee, whether individual, partnership or corporation, having charge or operating any metalliferous mine, mill or metallurgical plant, whenever loss of life or accident serious enough in character to cause the injured party to stop work for two consecutive days, and connected with the workings of such metalliferous mine, mills or metallurgical plant, shall occur, shall give notice immediately and report all the facts thereof to the Commissioner of Mines. The refusal or failure of said owner, agent, manager, or lessee, to so report within a reasonable length of time, shall be deemed a misdemeanor, and shall upon conviction, be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00), or be imprisoned not less than one or more than three months, or by both such fine and imprisonment. The Commissioner of Mines, upon receipt of notice of accident, shall investigate the causes and make or cause to be made a report, which report shall be filed in his office for future reference. [3 Mills (Rev.) Stats., 3220w.]

**Enforcing This Act—**The Commissioner of Mines of the State of Colorado and inspectors, or either thereof, shall have power to make such examination or inquiry as is deemed necessary to ascertain whether the provisions of this act are complied with; to examine into and make inquiry respecting the condition of any mine, mill or metallurgical plant, or part thereof, and all matters or things connected with or relating to the safety of the persons employed in or about the same; to examine into and make inquiry respecting the condition of the machinery or mechanical device, and, if deemed necessary have same tested; to appear at all Coroners' inquests held, respecting accidents, and if deemed necessary, call, examine and cross-examine witnesses; to exercise such other powers as are necessary for carrying this act into effect. [3 Mills (Rev.) Stats., 3220x.]

**Violation of This Act—Misdemeanor—Power of District Attorney—**Any owner, agent, manager or lessee, whether individual, partnership or corporation, operating a metalliferous mine, mill or metallurgical plant in this State, who fails to comply with the provisions herein set forth, or either or any thereof, shall be deemed guilty of a misdemeanor, and when not otherwise provided, shall be liable to a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) for each provision not complied with, and each day after conviction of failure to comply with any provisions thereof, shall be deemed a separate offense and punished accordingly.

The district attorney of the district in which such mine, mill or metallurgical plant is situated, is hereby empowered and directed to bring an action in the name of the people of the State of Colorado against such owner, agent, manager or lessee, whether individual, partnership, or corporation, operating such metalliferous mine, mill or metallurgical plant, when he is not complying with the provisions of this act, or any part thereof, or for the violation of any rule made in conformity with this act by the Commissioner of Mines of the State of



Colorado. Such penalty, when recovered, shall be turned over by such District Attorney to the Treasurer of the State of Colorado for the benefit of the general school fund of the State of Colorado. [3 Mills (Rev.) Stats., 3220y.]

#### PAYMENT OF WAGES.

**Private Corporations Pay Employes**—All private corporations doing business within this State, except railroad corporations, shall pay to their employes the wages earned each and every 15 days, in lawful money of the United States, or checks on banks convertible into cash on demand at full face value thereof, and all such wages shall be due and payable, and shall be paid by such corporation, on the 5th and 20th days of each calendar month for all such wages earned up to and within 5 days of the date of such payment; Provided, however, That if at such time of payment any employe shall be absent from the regular place of labor, he shall be entitled to such payment at any time thereafter; Provided, further, That each and every railroad corporation in this State shall have at least one regular pay day in each and every month upon which said pay day said corporation shall pay to its employes all wages for services and labor performed during the preceding calendar month, in lawful money of the United States, or checks on banks convertible into cash on demand at full face value thereof; Provided, further, That the provisions of this act shall not apply to any corporations exclusively operating ditches, canals or reservoirs. [3 Mills (Rev.) Stats., 2801o1.]

**Failure to Pay—Penalty—Suit**—Whenever any such corporation fails to pay any of its employes, as provided in Section 1 of this act, then a penalty shall attach to such corporation, and become due to such employes, as follows: A sum equivalent to a penalty of 5 per cent. of the wages due and not paid as herein provided as liquidated damages, and such penalty shall attach and suit may be brought in a court of competent jurisdiction to recover same and the wages due. (Section 1 is Section 2801o1.) [3 Mills (Rev.) Stats., 2801p1.]

**Wages of Discharged Employes—Penalty**—Whenever any employe is discharged from the employ of any such corporation, then all the unpaid wages of such employe shall immediately become due and payable, and if such corporation fails to pay any such discharged employe, all the wages due and payable to said discharged employe, then the same penalty of 5 per cent. shall attach to said corporation and become due to such employe, as provided in Section 2 of this act. (Section 2 is Section 2801p1.) [3 Mills (Rev.) Stats., 2801q1.]

**Employe Recover**—Any employe or any assignee of any such employe may recover all such penalties that may, by violation of Section 2 of this act, have accrued to him, at any time within six months succeeding such default, or delay, in the payment of such wages. [3 Mills (Rev.) Stats., 2801r1.]

**Contract Null and Void**—Any contract or agreement made between any corporation, and any parties in its employ, whose provisions shall be in violation, evasion or circumvention of this act (semi-monthly pay day act), shall be unlawful and void, but such employe may sue to recover his wages earned, together with such 5 per cent. penalty, or separ-

ately to recover the penalty if the wages have been paid. [3 Mills (Rev.) Stats., 2801s1.]

**Contract Labor—Corporation Liable**—Whenever any such corporation shall contract any or all its work to any contractor, then it shall become the duty of any such corporation to provide that the employes of any such corporation or contractor shall be paid according to the provisions of this act, and such corporation shall become responsible, and liable to the employes of such contractor in the same manner as if said employes were employed by such corporation. [3 Mills (Rev.) Stats., 2801t1.]

**Employe Sue—Costs**—Whenever it shall become necessary for the employes to enter or maintain a suit at law for the recovery or collection of wages due as provided by this act, then such judgment shall include a reasonable attorney fee, in favor of the successful party, to be taxed as part of the costs in the case. [3 Mills (Rev.) Stats., 2801u1.]

**Incorporate With Special Reference—Wilful Violation**—It is herein provided that all corporations hereafter organized for pecuniary profit, except railroad companies, shall be deemed to have incorporated with special reference to the provisions of this act, and the obligation to comply with such and every provision herein, shall be deemed to be the condition upon which incorporation is granted by the State. A wilful violation of any of the provisions herein shall be sufficient ground or cause for forfeiture of such corporate rights and privileges to be enforced by suit brought in the name of the people of the State of Colorado upon relation of the Attorney General of this State in any District Court in Colorado. [3 Mills (Rev.) Stats., 2801v1.]

#### PRIVATE EMPLOYMENT AND INTELLIGENCE OFFICES.

**Intelligence Office Must Have License—Fine**—That from and after the passage of this act it shall be unlawful for any person or persons to open or establish in any city or town, whether incorporated under special charter or general law, or elsewhere within the limits of the State of Colorado, any intelligence or employment office, for the purpose of procuring or obtaining, for money or other valuable consideration, either directly or indirectly, any work, employment or occupation for persons seeking the same, or to otherwise engage in the business, or in any way to act as a broker between employers and persons seeking work, without first having obtained a license so to do from the city or town where such intelligence or employment office is to be opened or such business is to be carried on. Any person violating any of the provisions of this section shall, upon conviction thereof, for each and every offense, be subject to a fine not exceeding one hundred (\$100.00) dollars. [3 Mills (Rev.) Stats., 1735.]

**Licenses—Rules and Regulations**—Every city or town in this State shall, by ordinance, provide for the issuing of licenses as contemplated by this act, and shall establish such rules and regulations as are not herein provided for the carrying on of the business or occupation for which such license may be issued. [3 Mills (Rev.) Stats., 1736.]

**Applications for License**—Any person or persons applying for a license under the provisions of this act shall make application to the

City Council, or Board of Trustees, through the City or Town Clerk, for the same, and shall deposit with the City or Town Treasurer, in advance, the annual fee for such a license, to be evidenced by the receipt of the City or Town Treasurer endorsed on the said application. If the City Council or Board of Trustees refuses to order the issuance of such license to the party or parties applying for the same, the sum so deposited with the City or Town Treasurer shall be refunded to him, her, or them, without any further action of the City Council or Board of Trustees. [3 Mills (Rev.) Stats., 1737.]

**Annual License Fee—Bond—Securities—Revocation of License—Transfer**—Any person or persons licensed under the provisions of this act shall pay an annual license fee of not more than one hundred (\$100.00) dollars in advance, and before such license shall be issued, shall deposit with the City or Town Treasurer a bond in the penal sum of two thousand (\$2,000.00) dollars, with two or more securities, to be approved by the officers designated by ordinance; such bond shall be made payable to the city or town where such business is to be carried on, and shall be conditioned that the person or persons, company or corporation applying for the license will comply with this act, and shall pay all damages occasioned to any person by reason of any misstatement or misrepresentation or fraud or deceit of any person or persons, their agents or employes, in carrying on the business for which they were licensed. If at any time, in the opinion of the Mayor and City or Town Treasurer, the sureties, or any of them, should become irresponsible, the person or persons holding such license shall, upon notice from the City or Town Treasurer, give a new bond, to be approved as hereinbefore provided. Failure to give a new bond within ten days after such notice shall operate as a revocation of such license, and the license shall be immediately returned to the City or Town Treasurer, who shall destroy the same. Licenses granted under this act may be transferred by order of the City Council or Board of Trustees, but before such transfer shall be authorized the applicant for the same shall deposit with the City or Town Treasurer the sum of five (\$5.00) dollars, which shall be endorsed upon the application, and the person to whom such license is transferred shall also deposit such a bond as is required of an applicant for an original license, as hereinbefore described, and to be approved in the same manner. [3 Mills (Rev.) Stats., 1737a.]

**Certificate of License**—Upon the granting of a license by the City Council or Board of Trustees, under this act, the City or Town Treasurer shall, within one week after payment of the license fee, issue to the party or parties entitled to the same, a certificate setting forth the fact that such a license has been granted, and it shall be the duty of all persons, who may obtain such certificate, to keep the same publicly exposed to view in a conspicuous place in their office or place of business. Every person paying a fee for employment shall receive a receipt for the same, which receipt shall state in plain terms the agreement between the intelligence or employment agent or broker and the person paying such fee, and if the terms of the said agreement are not fulfilled, the said fee shall be forthwith returned to the person who paid the same. [3 Mills (Rev.) Stats., 1737b.]

**Fees of Employment Agents**—It shall be lawful for any person or persons or his or their agent, runner or employe, whether acting with or without compensation, engaged in the business of an employment or intelligence agent or broker, to charge any person applying for work as a day laborer, mechanic, artisan or household or domestic servant, a fee for his services equal in the case of males to five (5) per cent. and no more on one month's wages and board and in the case of females three (3) per cent. and no more on one month's wages and board. The limitations imposed by this section shall not apply in any manner to persons or corporations engaged in the business of procuring employment for any other class or classes of persons than those specifically enumerated above. [3 Mills (Rev.) Stats., 1737c.]

**Sending Female to House of Bad Repute**—Any person or persons, as aforesaid, keeping an intelligence or employment office, who shall send out any female help to any place of bad repute, house of ill fame or assignation house, or to any house or place of amusement kept for immoral purposes, shall be liable to arrest, and to pay a fine of not less than one hundred (\$100.00) dollars, and to imprisonment until such fine is paid; and on conviction thereof, in any court, shall have his or their license rescinded. [3 Mills (Rev.) Stats., 1737d.]

**Sending Out Help Without Written Orders**—Any person or persons who shall send out any help, male or female, without having previously obtained a written bona fide order, with proper references of two responsible persons, shall be subject to the same penalties as are provided in Section 7 of this act. [3 Mills (Rev.) Stats., 1737e.]

**Divide Fees With Employers**—Any person or persons, as aforesaid, keeping an intelligence or employment office, sending out help to contractors or other employers of help, and dividing the office fees with sub-contractors and employers of help, or their foremen or any one in their employ, shall, on conviction thereof in any court, have their license at once forfeited, and be fined in a sum of not less than one hundred (\$100.00) dollars. [3 Mills (Rev.) Stats., 1737f.]

**Register—Contents—Open to Inspection**—Every person, company or corporation (duly) licensed under this act shall enter upon a register, to be kept for that purpose, every order received from any corporation, company or individual desiring the service of any persons seeking work or employment, the name and address of the corporation, company or individual from whom such order was received, the number of persons wanted, the nature of the work or employment, the town or city, street and number, if any, where such work or employment is to be furnished, the wages to be paid, and a correct record of the names of all persons who have been sent, and the time of sending such persons to procure work or employment on such order. No order for help shall be considered a bona fide order unless the same be entered on the register, as herein provided. There shall also be entered upon said register the names of all applicants depositing a fee for the purpose of registering their names with the view of obtaining work or employment, and the nature of the work or employment wanted. The said register shall be open at all reasonable hours to the inspection of any peace official of any municipality in this State. [3 Mills (Rev.) Stats., 1737g.]



**False Information—Failure to Keep Register—Penalty**—If any person or persons, or his or their agent or employes engaged in the business of employment or intelligence agent or broker, duly licensed, as provided in this act, shall give any false information or shall make any misstatement or shall make any false promises concerning any work or employment or occupation, or shall fail to keep such a register as is described in the preceding section in this act, or shall wilfully make any false entries in such register, or shall violate any other provisions of this act, for which violation penalties are not hereinbefore provided, shall, upon conviction thereof, for each and every offense, be fined in any sum not exceeding two hundred (\$200.00) dollars, and the license under which such person or persons have been permitted to conduct the business of any employment or intelligence office shall forthwith be forfeited. [3 Mills (Rev.) Stats., 1738.]

**Suit Upon Bond**—All claims or suits brought in any court against any employment or intelligence agent, may be brought in the name of the party injured upon the bond deposited with the City or Town Treasurer by said employment or intelligence agent, as provided in Section 4, and may be transferred, as other claims, for damages in civil suits; the amount of damages claimed by the plaintiff, not the penalty named in the bond, shall be the test of the jurisdiction of the court in which the action is brought. [3 Mills (Rev.) Stats., 1739.]

**Charitable Associations**—Nothing herein shall be construed so as to require any religious or charitable association which may assist in procuring situations or employment for persons seeking the same, to obtain a license so to do under the provisions of this act, provided it receives no payment whatever for its services in the way of fees. [3 Mills (Rev.) Stats., 1740.]

## PRIVATE EMPLOYMENT AGENCIES.

(1909)

**Must Have License—Fees—Bond—Revocation**—Section 1. No person, firm or corporation in this State shall open, operate or maintain a private employment agency for hire, or where a fee is charged to either applicant for employment or for help, without first obtaining a license for the same from the deputy commissioner of labor statistics. Such license fee in cities of twenty-five thousand (25,000) or more population shall be fifty dollars (\$50) per annum, in all cities and towns containing less than twenty-five thousand (25,000) and more than five thousand (5,000) population, a fee of twenty-five dollars (\$25) per annum and in all cities and towns under five thousand (5,000) population a fee of ten dollars (\$10) per annum will be required. Every license shall contain a designation of the city, street and number of the building in which the licensed party conducts said employment agency. The license, together with a copy of this act, shall be posted in a conspicuous place in each and every employment agency. No agency shall print, publish or paint on any sign, window, or insert in any newspaper or publication, a name similar to that of the Colorado Free Employment Office. The deputy commissioner of labor shall require with each application for a license, a bond in the penal sum of one thousand dollars (\$1,000) with

two or more sureties, to be approved by the said deputy commissioner, and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions or requirements of this act. The said deputy commissioner is authorized to cause an action or actions to be brought on said bond in the name of the people of the State of Colorado, for any violation of any of its conditions, he may also revoke, upon a full hearing, any license whenever in his judgment the party licensed shall have violated any of the provisions of this act. It shall be the duty of every licensed agency to keep a register in which shall be entered the name and address of every applicant. Such licensed agency shall also enter upon a register, the name and address of every person who shall make application for help or servants and the name and nature of the employment for which such help shall be wanted. Such register shall, at all reasonable hours be open to the inspection and examination of the deputy commissioner of labor or his agents.

**Register—Fees for Positions—Returned—**Section 2. No agency shall send or cause to be sent any female help or servant to any place of bad repute, house of ill fame, or assignation house, any place of questionable character, or to any house or place of amusement kept for immoral purposes. No such licensed agency shall publish or cause to be published any false or fraudulent notices or advertisements or give any false information, or make any false promises concerning or relating to work or employment to any one who shall register for employment, and no licensed agency shall make any false entries in the register to be kept as herein provided. No person, firm or corporation shall conduct the business of any employment office in, or in connection with, any place where intoxicating liquors are sold, or gambling of any character is carried on or indulged in. Where a fee is charged for receiving or filing application for employment, or for help, said fee shall in no case exceed the sum of one dollar (\$1.00) for any person applying for work as a day laborer, mechanic, artisan or household or domestic servant. And in no case shall the fee charged exceed the sum of two dollars (\$2.00) for professional positions. In all cases a receipt shall be given in which shall be stated the name of the applicant, the amount of the fee, the date, the name or character of the work or situation procured and the name of the party from whom the position is to be secured. In case the said applicant shall not obtain a situation or employment through such licensed agency within five (5) days after registration as aforesaid, then said licensed agency shall forthwith repay and return to such applicant, upon demand being made therefor, the full amount of the fee paid or delivered by said applicant to said licensed agency, provided said fee is demanded within thirty (30) days after date of registration.

**Definition—**Section 3. A private employment agency is defined to be any person, firm, co-partnership or corporation furnishing employment or help, or giving information as to where employment or help may be secured, or who shall display any employment sign or bulletin, or through the medium of any card, circular, pamphlet or newspaper offer employment or help; and all such persons are subject to the provisions of this act, whether a fee or commission is charged or not. Provided,

that charitable organizations are not included within the meaning of this act.

**Funds to Enforce Act**—Section 4. All money or moneys received from fees and fines shall be held by the said deputy commissioner of labor and shall constitute a fund for the purpose of enforcing the provisions of this act, and the deputy commissioner shall, at the end of each fiscal year, make a report of said fund and pay into the State Treasury whatever balance shall remain after paying the necessary expenses for the purpose of enforcing the provisions of this act.

**Penalty**—Section 5. It shall be the duty of the deputy labor commissioner when informed of any violations of this act, to institute criminal proceedings for the enforcement of its penalties before any court of competent jurisdiction. Any violation of the provisions of this act shall be a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) for each offense, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment at the discretion of the court.

Sec. 6. All acts and parts of acts in conflict with the provisions of this act are hereby repealed. (L. 1909.)

#### PUBLIC WORKS.

**Payment of Laborers Upon Moneys Due Contractors**—That hereafter it shall be the duty of Councils of cities, Trustees of incorporated towns, Boards of Commissioners of counties and Boards of Directors of school districts within the limits of municipal corporations, which have contracted for the construction of public works, to withhold payment of moneys due the contractor for the construction of such public works, to satisfy the claims of laborers, sub-contractors and others performing labor or furnishing materials upon or for such public works, in the manner hereinafter prescribed. [3 Mills (Rev.) Stats., 2888.]

**Contractor Present Statement—Notice of Meeting**—Before any payment shall be made to the contractor as may be provided for in the contract for the construction of such public works, the contractor shall present to the Council of cities, Trustees of towns, Boards of Commissioners of counties and Directors of school districts, a statement in writing showing the amounts owing by him for labor performed or materials furnished, and the names of the persons to whom such sums are due, and in case such contractor shall have sublet a part of such works, the statement shall show the sum owing the sub-contractor, and shall be accompanied by a statement from the sub-contractor showing names of persons performing labor or furnishing materials at the instance of such sub-contractor, and amounts due such persons respectively; such statements shall be verified under oath by the contractor or sub-contractor that the same correctly states the sums owing for labor and materials, with names of persons to whom such sums are owing.

It shall be the duty of Clerks of cities and towns, and Boards of County Commissioners and the secretary of school districts, to cause to be published in some newspaper of general circulation in the county, a notice in substance, that at a designated meeting of the Council, Trustees,

Board of Commissioners or Directors of school districts, as the case may be, to be held not less than 10 days from the date of the first publication of such notice, payment will be made the contractor and that claimants to whom sums are owing for labor or materials, may file with the Clerk of cities, towns and Board of Commissioners or secretary of school districts, on or before the day of such meeting. [3 Mills (Rev.) Stats., 2889.]

**File Verified Claim—Proviso—Claimants Join Suit**—Any person, to whom a contractor or sub-contractor may be indebted, may file with the Clerk of such city, town, or Boards of County Commissioners or secretary of the school district, his claim, or before time designated in notice, duly verified upon oath as correct, in which shall be stated the amount claimed as owing, the name of the contractor or sub-contractor by whom he was employed, or at whose instance he furnished materials. If such claims tally with statement of contractor or sub-contractor as to amount due, name of claimant, the amount claimed shall be paid directly to claimant, and shall be deducted out of sum to be paid contractor or sub-contractor, as case may be; Provided, Where the amounts due contractor or sub-contractor are insufficient to pay the claims filed, the sum to be paid contractor or sub-contractor shall be pro rated among the respective claimants against such fund in proportion to amount of claims. In case claims filed shall not be admitted, or tally with statements filed by contractor or sub-contractor as aforesaid, such claimant shall within 30 days bring suit in some court of competent jurisdiction to recover judgment against the contractor or sub-contractor by whom he was employed, or for whom he furnished materials, and upon filing a transcript, showing final judgment has been recovered, together with a certificate of Clerk of court, that the same has not been appealed from, shall be entitled to be paid the same as if claim had been admitted as aforesaid. Two or more claimants against the same person may join in suit, and recover one several judgment, upon which execution may issue as in other cases. [3 Mills (Rev.) Stats., 2890.]

**Eight Hours a Day's Work**—In all work hereafter undertaken in behalf of the State or any county, township, school district, municipality or incorporated town, it shall be unlawful for any board, officer, agent, or any contractor or sub-contractor thereof, to employ any mechanic, workman or laborer in the prosecution of any such work for more than eight hours a day. [3 Mills (Rev.) Stats., 2801a.]

**In Emergency Cases**—Nothing in Section 1 of this act shall be construed so as to prevent work in excess of eight hours a day in emergency cases; Provided, That hours in excess of eight a day shall be treated as constituting part of a subsequent day's work; and, Provided, That in no one week of seven days shall there be permitted more than forty-eight hours of labor. Any violation hereof shall be unlawful. (Section 1 is Section 2801a.) [3 Mills (Rev.) Stats., 2801b.]

**Violation a Misdemeanor**—Any employer, board, officer or contractor who shall violate the provisions of Sections 1 or 2 of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the county jail not more than one hundred (100) days or by both fine and imprison-



ment, at the discretion of the court. (Sections 1 and 2 are 2801a and 2801b, respectively.) [3 Mills (Rev.) Stats., 2801c.]

#### RAILWAY EMPLOYES.

**Railroad Employes Not Work**—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 sixteen (16) consecutive hours, except in case of casualty, to again go on duty to perform any work until he has had at least ten (10) hours' rest. [3 Mills (Rev.) Stats., 2801w1.]

**Violation—Penalty**—Any company which violates, or permits to be violated, any of the provisions of the preceding section, or any officer, agent or employe who violates or permits to be violated any of the provisions of the preceding section, shall be fined not less than one hundred dollars nor more than three hundred dollars for each and every violation of this act. [3 Mills (Rev.) Stats., 2801x1.]

#### ROAD TAX.

**Persons Liable for Tax**—Every able-bodied man between the age of 21 and 50 years shall annually pay to the treasurer of the Board of Directors of his road district wherein he resides, and it shall be the duty of said treasurer to collect a road tax of three dollars, or in lieu of such sum every man shall labor two days upon the public roads whenever notified by the secretary of said Board of Directors to do so, and failure to either pay or labor shall subject such person to all the penalties now prescribed by law for such failure. [Sess. L. '07, p. 558, 11.]

#### SUITS.

**Poor Person Allowed to Sue Without Cost**—If any court shall, before or after the commencement of any suit, be satisfied that the plaintiff is a poor person, and unable to prosecute his or her suit and pay the cost and expenses thereof, they may, in their discretion, permit him to commence and prosecute his action as a poor person; and thereupon such person shall have the necessary writs, processes and proceedings, as in other cases, without charge; and if the plaintiff recover judgment there shall be a judgment for his costs. [Mills Ann. Stats., 676.]

#### SUNDAY LABOR.

**Disturbing Peace on Sunday—Penalty**—Any person who shall hereafter knowingly disturb the peace and good order of society, by labor or amusement, on the first day of the week, commonly called Sunday (works of necessity and charity excepted), shall be fined, on conviction thereof, in any sum not exceeding fifty dollars. [Mills Ann. Stats., 1370.]

#### TRUCK SYSTEM.

**Truck System Unlawful**—It shall be unlawful for any person, company or corporation, or the agent or the business manager of any such person, company or corporation, doing business in this State, to use or employ, as a system, directly or indirectly, the "truck system" in payment, in whole or in part, of the wages of any employe or employes of any such person, company or corporation. [3 Mills (Rev.) Stats., 2801e1.]

**Definition**—The words “truck system” as used in the preceding section are defined to be: (1) Any agreement, method, means or understanding used or employed by an employer, directly or indirectly to require his employe to waive the payment of his wages in lawful money of the United States, and to take the same, or any part thereof, in goods, wares or merchandise, belonging to the employer or any other person or corporation. (2) Any condition in the contract of employment between employer and employe, direct or indirect or any understanding whatsoever, express or implied, that the wages of the employe, or any part thereof, shall be spent in any particular place or in any particular manner. (3) Any requirement or understanding whatsoever by the employer with the employe that does not permit the employe to purchase the necessities of life where and of whom he likes without interference, coercion, let or hindrance. (4) To charge the employe interest, discount or other thing whatsoever for money advanced on his wages, earned or to be earned, where the pay days of the employer are at unreasonable intervals of time. (5) Any and all arrangements, means, or methods, by which any person, company or corporation, shall issue any truck order, scrip, or other writing whatsoever, by means whereof the maker thereof may charge the amount thereof to the employer of laboring men so receiving such truck order, scrip or other writing, with the understanding that such employer shall charge the same to his employe and deduct the same from his wages. [3 Mills (Rev.) Stats., 2801f1.]

**Truck, Order, Scrip, Etc., Void**—Any truck order, scrip or other writing whatsoever, made, issued, or used in aid of or in furtherance of, or as a part of, the “truck system” as defined in this act, evidencing any debt or obligation from any person, company or corporation for wages due or to become due to any employe or employes of any person, company or corporation, issued under a system whereby it is the intent and purpose to settle such wage debt or debts by any means or device other than in lawful money, shall be utterly void in the hands of any person, company or corporation with knowledge that the same had been issued in pursuance of such system, and it shall be unlawful to have, hold or circulate the same with such knowledge. [3 Mills (Rev.) Stats., 2801g1.]

**Violation a Misdemeanor—Penalty**—Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and by imprisonment in the county jail of not less than thirty days, nor more than six months. [3 Mills (Rev.) Stats., 2801h1.]

**Violation Cause for Forfeiture**—The violation of the provisions of any section of this act by any corporation organized and existing under the laws of this State shall be deemed sufficient cause for the forfeiture of the charter of any such corporation, and the Attorney General of the State shall immediately commence proceedings in the proper court in the name of the people of the State of Colorado, against any such corporation for the forfeiture of its charter. [3 Mills (Rev.) Stats., 2801i1.]

**Foreign Corporations Forfeit**—Any foreign corporation doing business in this State that shall violate the provisions of any section of this

act shall forfeit its right to do business in this State, and the Attorney General of the State shall, upon such violation coming to his knowledge, by information or otherwise, institute proceedings in the proper court for the forfeiture of the right of any such corporation to do business in this State. [3 Mills (Rev.) Stats., 2801j1.]

**Citizen Institute Proceedings**—That if the Attorney General of the State should fail, neglect or refuse to commence such actions as are provided for in Sections 5 and 6 of this act, after demand being made upon the Attorney General to institute such proceedings by any responsible person, then any citizen of this State shall have the right to institute and maintain such proceedings, upon giving bond for costs of suit. (Sections 5 and 6 are Sections 2801i1-2801j1.) [3 Mills (Rev.) Stats., 2801k1.]

**District Attorney Prosecute**—The District Attorney of any county shall prosecute for any violation of this act in the same manner as he may be required by law to prosecute for the violation of other criminal acts, except as provided in Sections 5 and 6 of this act. [3 Mills (Rev.) Stats., 2801l1.]

**Not Apply to Ditch, Canal and Reservoir Companies**—That the provisions of this act shall not be construed to prevent ditch, canal and reservoir companies from contracting or issuing orders or warrants payable at future dates in lawful money of the United States, for labor performed or services rendered for it or to contract for and pay for the same in the capital stock of such companies, or water rights or privileges for water connected with the same. [3 Mills (Rev.) Stats., 2801m1.]

## WOMEN.

**When Women Not Required to Work**—No woman of sixteen years of age or more shall be required to work or labor for a greater number than eight hours in the twenty-four-hour day in any mill, factory, manufacturing establishment, shop or store for any person, agent, firm, company, copartnership or corporation, where such labor, work or occupation, by its nature, requires the woman to stand or be upon her feet in order to satisfactorily perform her labors, work or duty in such occupation and employment. [3 Mills (Rev.) Stats., 2801g2.]

**Seats for Female Employes**—Every person, corporation or company employing females in any manufacturing, mechanical or mercantile establishments in this State, shall provide suitable seats for the use of the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed. [Mills Ann. Stats., 3604.]

**Penalty**—Any person, corporation or company violating any of the provisions of this act, shall be punished by fine of not less than ten dollars nor more than thirty dollars for each offense. [Mills Ann. Stats., 3605.]

**No Woman or Girl to Enter Coal Mine to Work**—No young person under twelve years of age, or woman or girl of any age, shall be permitted to enter any coal mine to work therein, nor any person under the age of sixteen years unless he can read and write. [Mills Ann. Stats., 3185.]





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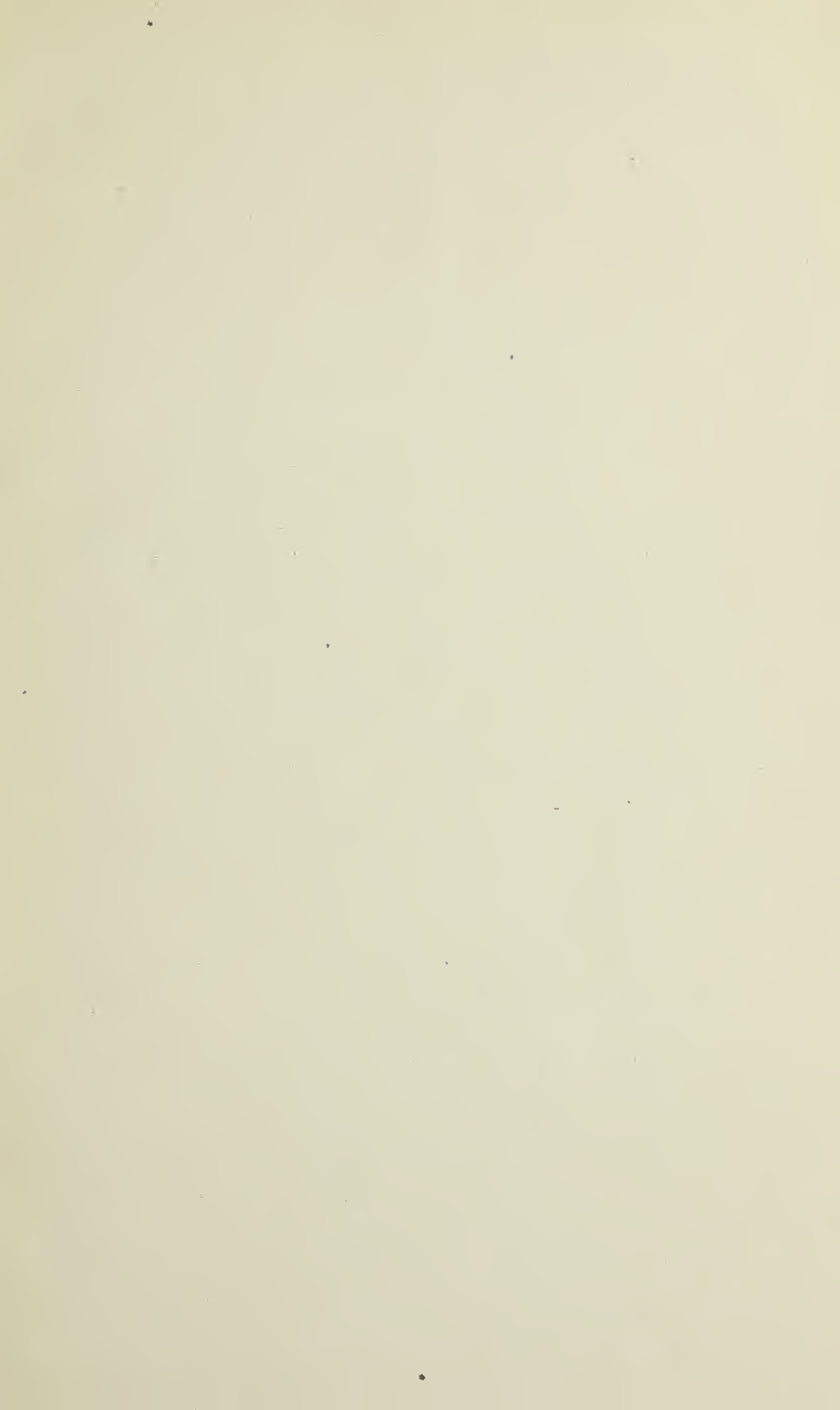
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