

assistant shall be paid to exceed four (\$4.00) dollars per day, and his actual and necessary traveling expenses.

Passed the House March 1, 1905.

Passed the Senate March 3, 1905.

Approved by the Governor March 6, 1905.

CHAPTER 84.

(H. B. No. 129)

PROVIDING FOR THE PROTECTION OF EMPLOYES OF FACTORIES AND MILLS.

AN ACT providing for the protection and health of employes in factories, mills or workshops, where machinery is used, and providing for suits to recover damages sustained by the violation thereof, and prescribing a punishment for the violation thereof, and repealing an act entitled, "An act providing for the protection of employes in factories, mills or workshops where machinery is used, and providing for the punishment of the violation thereof," approved March 6, 1903, and repealing all other acts or parts of acts in conflict herewith.

Be it enacted by the Legislature of the State of Washington:

SECTION I. That any person, firm, corporation or association operating a factory, mill or workshop where machinery is used shall provide and maintain in use, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys while running, where the same are practicable with due regard to the nature and purpose of said belts and the dangers to employes therefrom; also reasonable safeguards for all vats, pans, trimmers, cut-off, gang edger, and other saws, planers, cogs, gearings, belting, shafting, coupling, set screw, live rollers, conveyors, mangles 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 machine, or any part thereof, is in a defective condition, and its opera-

Belt shifters,
and
safeguards.

Use of
defective
machines
prohibited.

tion would be extra hazardous because of such defect, or if any machine 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 on 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.

SEC. 2. Every factory, mill or workshop where machinery is used and manual labor is exercised by the way of trade for the purposes of gain within an enclosed room (private houses in which the employes live, excepted) shall be provided in each work room thereof with good and sufficient ventilation and kept in a cleanly 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 in any enclosed room 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.

Ventilation
and sanitary
conditions.

SEC. 3. The openings of all hoist-ways, hatch-ways, elevators and well holes and stairways in factories, mills, workshops, storehouses, warerooms or stores, shall be protected where practicable, 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 open that the same may be used.

Trap doors—
hatches, etc.

SEC. 4. It shall be the duty of the Commissioner of Labor, 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, storehouses, warerooms, stores and buildings and the machinery and 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 of granting or refusing certificates of approval, as hereinafter provided.

Duty of
commissioner
of labor.

SEC. 5. Any person, firm, corporation or association carrying on business to which the provisions of this act are applicable, shall have the right to make written request to said Commissioner of Labor to inspect any factory, mill or

Requests for
inspection.

workshop, and the machinery therein used, and any storehouse, wareroom or store, which said applicant is operating, occupying or using, and to issue his certificate of approval thereof; and said Commissioner of Labor by himself, or his deputy, shall forthwith make said inspection. Upon receiving such application the Commissioner of Labor shall issue to the person making the same, an acknowledgment that such certificate has been applied for, and thirty days after such acknowledgment, by said Commissioner of Labor, and pending the granting of such certificate, such acknowledgment shall have the same effect as such certificate, till the granting of such certificate by said Commissioner of Labor.

Notification of defects, by employes.

SEC. 6. Any employe of any person, firm, corporation or association shall notify his employer of any defect in, or failure to guard the machinery, appliances, ways, works and plants, with which or in about which he is working, when any such defect or failure to guard shall come to the knowledge of any said employe, and if said employer shall fail to remedy such defects then said employe may complain in writing to the Commissioner of Labor of any such alleged defects 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 such employe is working, and upon receiving such complaint, it shall be the duty of the Commissioner of Labor, by himself or his deputy, to forthwith make an inspection of the machinery and appliances complained of.

Inspection.

SEC. 7. Whenever upon any examination or re-examination of any factory, mill or workshop, store or building, or the machinery or appliances therein 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 Commissioner of Labor to the requirements of this act, he shall thereupon issue to the owner, lessee or operator of such factory, mill or workshop, or to the owner, lessee or occupant of any such storehouse, wareroom or store, a certificate to that effect, and such certificate shall be *prima facie* evidence as long as it continues in force, of compliance on the 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 Commissioner of Labor

Certificate prima facie evidence of compliance.

at any time upon written notice to the person, firm, corporation or association holding the same, whenever in his opinion after re-examination, conditions 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, storehouses, warerooms or store to which the provisions of this act are applicable. If, in the judgment of said Commissioner of Labor, such factory, mill or workshop, or the machinery and appliances therein contained, or such storehouse, wareroom or store 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 Commissioner of Labor, 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 requirements have been served as aforesaid, the said Commissioner of Labor 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 Commissioner of Labor unreasonable and impracticable or unnecessarily expensive, he may within ten days after the requirements of said Commissioner of Labor have been served upon him, appeal therefrom or from any part thereof, to three arbitrators to whom shall be submitted the matter and things in dispute, and their findings shall be binding upon said applicant and upon the Commissioner of Labor. Such appeal shall be in writing, addressed to the Commissioner of Labor and shall set forth the objection to his requirements, or any part thereof, and shall mention the name of one person who will serve as the representative of said applicant calling for arbitration. Immediately upon the receipt of such notice of appeal, it shall be the duty of the Commissioner of Labor 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, and as soon thereafter as practicable, give a hearing on the matters of said appeal, and the findings of these arbitrators by a majority vote, shall be reported to the

Copy of
certificate
to be posted.

Service of
notice of
requirements.

Appeal—
in writing.

Duty of
commissioner
upon appeal.

Expense of
arbitration.

Commissioner of Labor, 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 Commissioner of Labor or any part thereof, said applicant shall within thirty days, comply with the findings of said arbitrators, and thereupon the said Commissioner of Labor shall issue his certificate as hereinbefore provided (in section four of this act); but if said arbitrators shall sustain such appeal or any part thereof, the same shall be binding upon said Commissioner of Labor; 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 Commissioner of Labor, as amended by said arbitrators, if so amended as herein provided for, and thereupon said Commissioner of Labor shall forthwith issue to any such person, firm, corporation or association, his certificate as provided for in section four of this act: *Provided however,* That before any certificate shall be issued by said Commissioner of Labor as provided for in this act, the person, firm, corporation or association which has complied with the provisions of this act, shall pay to the Treasurer of the State of Washington, an annual fee of ten dollars, and take his receipt therefor. Upon presentation of said receipt to said Commissioner of Labor, he shall forthwith issue said certificate as in this act provided. Said fee shall entitle the person, firm, corporation or association paying the same, to any and every inspection of any factory, mill, workshop, storehouse, wareroom, or store, and the machinery and appliances contained in any such premises, owned and operated by the party paying said fee, that may be necessary, for a period of one year subsequent to its payment; and all moneys collected for licenses and fines, under the provisions of this act, shall be paid into the State treasury and be converted into a special factory inspection fund, from which special fund shall be paid the Deputy Labor Commissioners required to enforce the provisions of this act. Said Deputy Labor Commissioners shall be paid from the special factory inspection fund, upon the presentation of vouchers properly signed by the Labor Commissioner in the same manner in which other employes of the State are paid.

Annual fee
and
certificate.

Salary of
deputy—
how paid.

SEC. 8. Any person, firm, corporation or association who violates or omits to comply with any of the foregoing re-

quirements or provisions of this act, and such violation or omission shall be the proximate cause of any injury to any employe, shall be liable in damages to any employe who sustains injuries by reason thereof: *Provided*, The amount of damages which any one person may recover in an action for or on account of injuries received by reason of any alleged violation of any of the provisions of this act, is hereby expressly limited to the sum of seven thousand five hundred dollars.

Penalty for violations.

SEC. 9. No action for the recovery of compensation for injury under this act shall be maintained unless notice of the time, place and cause of injury is given to the employer within six months, and the action is commenced within one year, from the occurrence of the accident causing the injury. The notice required by this section shall be in writing, signed by the person injured, or by some one in his behalf; but if from mental or physical incapacity it is impossible for the person injured to give the notice within the time provided in this section he may give the same within ninety (90) days after such incapacity is removed, and in case of his death without having given the notice because of mental or physical incapacity, his executor, or administrator may give such notice within thirty days after his appointment.

Actions—maintenance of.

SEC. 10. Nothing in this act contained shall prevent any person from bringing an action under any other statute or act or at common law for any personal injuries received by him; and in that event the certificate provided for herein shall not be admitted in evidence in such suit or action.

Actions under another statute.

SEC. 11. Any person, firm, corporation or association who violates or fails to comply with 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 twenty-five dollars nor more than one hundred dollars.

Penalty.

SEC. 12. A copy of this act, together with the name and address of the Commissioner of Labor, printed in a legible manner, shall be kept posted in a conspicuous place on each floor of every factory, mill, workshop, storehouse, wareroom or store, and at the office of every public and private work to which the provisions of this act are applicable, upon the same being supplied to the operators, owners, lessee, or occupants, of such places with sufficient copies thereof by the Commissioner of Labor.

Copy of act, to be kept posted.

SEC. 13. That an act entitled "An act providing for the protection of employes in factories, mills or workshops where machinery is used, and providing for the punishment of the violation thereof," approved March 6, 1903, and all acts and parts of acts in conflict herewith shall be and the same hereby are repealed.

Repeal.

Passed the House March 1, 1905.

Passed the Senate March 3, 1905.

Approved by the Governor March 6, 1905.

CHAPTER 85.

(H. B. No. 177)

AMENDING CODE OF PUBLIC INSTRUCTION RELATIVE TO NORMAL SCHOOLS.

AN ACT amending Sections 215, 220, 221, 222 and 223 of the Code of Public Instruction, relating to the Normal Schools.

Be it enacted by the Legislature of the State of Washington:

SECTION I. That section 215 of the Code of Public Instruction be amended to read as follows: Section 215. Each board of trustees shall have power, and it shall be its duty:

Duties of
board.

First. To elect a principal for such period as it may determine, and to elect such other teachers and assistants as the necessities of the school may require.

Principal.

Second. To provide a librarian for the school who shall have charge of all books, magazines and pamphlets thereof, under such regulations as may be provided by the law, or by the by-laws of the Board of Trustees; also to choose a janitor and such other employes as may become necessary, and for good and lawful reasons to discharge any or all such teachers and employes.

Librarian.

Third. To adopt the necessary text books, and to provide books of reference for the use of students and teachers, and to provide for the proper care of same.

Text books.

Fourth. To have charge of the erection of all buildings pertaining to the school, unless otherwise expressly provided, and to have the care and management of all buildings and other property belonging to the school.

Buildings.