The History of California Labor Legislation, 1910-1930.

Chapter II

Laws Regulating the Length of the Work-Day.

The Eight-Hour Law for Women.

Befor 1910 two attempts had been made to receive a legal eight-hour day for women. Both of these efforts met an ignominious fate.* Factors contributing to the failure of the endeavors had been largely removed by 1911. The constitutionality of the laws regulating the hours of labor of women had been affirmed by the Supreme Court of the United States.* Furthermore, the corporation controlled political machine in California had been removed from power.*

*The attempts were made in 1905 and 1908. See Eaves, Lucile, History of California Labor Legislation, p. 225

*Muller vs Oregon, 208 U.S. 412, 28 Sup. Ct. 324 (1908) Since 1895 it had been thought that all such laws would be invalidated by the courts, for in that year an eight hour law had been declared unconstitutional by the Illinois Supreme Court. (Ritchie vs People 155 Illinois 98, 40 N.E. 454).

*See chapter I

Having a favorable setting in 1911 for the enactment of progressive labor laws, supporters of the measure succeeded in securing the passage of a women's eight-hour statute in that year.*

*Cal. Stats. 1911, Ch. 258

It appears that the agitation for the law was initiated from three entirely independent sources in the state.* In the Summer of 1910

*A good description of the agitation is found in Hichborn, Franklin, The Story of the Session of the California Legislature of 1911, pp. 246-260.

some of the San Francisco women wage earners, at a meeting of the Women's Union Label League, decided to work for an eight hour day and a forty-eight hour week for all women wage earners in the state.* A few months later the California State Federation of

*Miss Maud younger was at the meeting. She became interested in the proposed legislation and worked indefatigably for its passage (until the measure was finally signed by Governor Johnson.)

Labor, at its annual convention held at Los Angeles, discussed the possibility of getting enacted a women's eight-hour law. A resolution presented by the Laundry Workers' Union No. 52 of Los Angeles was adopted by the convention. The resolution pledged support of an eight-hour measure to be presented at the 1911 session of the legislature.* Meanwhile, the Stanislaus County Democrats had been urged by Thomas F. Griffin to adopt in their platform a plank

*Resolution No. 7, Proceedings of the 11th Annual Convention of the California State Federation of Labor, October 3-7, 1910, p 9.

demanding the enactment of a state law limiting the labor of women in shops, factories, and stores to fifty hours or less per week.*

*Mr Griffin was the Democratic nominee for assemblyman from Stanislaus County. He was elected and in 1911 introduced the women's eight-hour bill which became a law. Assemblyman Griffin claimed that years before he had been "inspired" to become a legislator in order that he might aid in getting the hours of women restricted by law. (An editorial, "Eight Hour Bill an Inspiration"

Labor Clarion, March 10, 1911, p.9)

Almost immediately after the organization of the Legislature, two bills were introduced in the Assembly and one in the Senate, all three of which dealt with the hours of labor of women. One of the Assembly bills was introduced January 10th by Assemblyman Griffin; the other, the day following by Assemblyman Callahan. The Senate bill was introduced January 10th by Senator Rush.*

*Final Calendar of the California Legislature, 1911.

The three measures restricted the labor of women to ten, nine, and eight hours respectively.

There soon developed a strong sentiment in favor of an eight-hour day. The Griffin bill, although providing for a ten-hour day, was thought to be the best measure of the three as its provisions were most inclusive. Accordingly, it was made by amendment, in the Assembly committee, into an eight-hour bill. The other two measures were withdrawn by their authors and all forces united in supporting the Griffin bill.

The Assembly committee made another amendment to the bill. The farmers insisted that because of the perishable nature of their fruit crops it was sometimes necessary to employ women for longer periods than eight hours per day. It was argued that the women were not injured by such labor as they were out-of-doors and that they worked only during the summer months. The representatives of labor, believing that it was necessary to satisfy the agricultural interests in order to get the bill passed, acquiesced, and, accordingly, the fruit and vegetable industries

were excluded from the measure. The packing interests then tried to gain exemption but were unsuccessful.* The committee recommend-

*Coast Seamen's Journal, March 29, 1911, p. 1.

ed the bill to pass and when it came up for final reading in the Assembly it was passed by a unanimous vote of 72 to 0.

In the Senate the measure encountered its first active opposition. By that time many of the employers in the state had come to the realization that their financial interests might be interferred with if the bill were to become a law. Suddenly, several influential newspapers of San Francisco began strongly condemn the proposed measure.*

*Similiar editorial articles appeared at about the same time in all the San Francisco morning dailies. (Examiner, February 21; Chronicle and Call, February 24, 1911). Other articles followed. Organized labor accused these papers of having published the editorials because of pressure coming from the large department stores. It was even claimed that the articles had been written by the same person. (Labor Clarion), March 3, 1911, p. 3

Two public hearings were held before the Senate Committee on Labor, Capital, and Immigration where the bill was under consideration. Representatives of laundry proprietors, manufacturers, hotel men and cannery and department store owners appeared against the measure. It was argued that the bill was too rigid; that if it should become a law business would be greatly injured; that women would be thrown out of employment; and that those women who continued to work would have their wages cut. One department store owner went so far as to say that the passage of the bill would hurt the Panama- Pacific Exposition.*

*Hichborn, Franklin, Story of the Session of the California Legislature of 1911, p. 252.

The chief arguments for the opposition were presented by Mr. B. F. Schlesinger of the Emporium in San Francisco, Mr. Charles F. Oliver, attorney for the large mercantile interests of San Francisco, and Mr. J. T. Rattray, representing the cotton mills of East Oakland.* Mr. Meyer Lissner, Chairman of the Republican

*Leavitt, L. B., "Report of Legislative Agents" Proceedings of the 12th Annual Convention of the California State Federation of Labor, October 2-6, 1911, p. 93.

State Central Committee, telegraphed to the members of the Legislature asking them to oppose the Griffin bill.*

*San Francisco Chronicle, January 30, 1911.

The labor forces under the leadership of Mr. John I. Nolan*

*Mr. Nolan gave several addresses on the subject. He was at Sacramento representing the San Francisco Labor Council.

urged that the women's eight-hour bill be passed. Among those working hardest for the measure was Assemblyman Griffin. In opening the first hearing before the Senate Committee, on February 16th Mr. Griffin stated that "twenty-five states regulate the hours of women and Washington has just passed on an eight-hour law very similiar to the California measure." He argued that such legislation had been upheld by the United States Supreme Court on the ground that it protected the health of working girls -- the future mothers

of the race.*

*Description of this hearing is given in Sacramento Bee, February 17; also, Labor Clarion, February 24, 1911, p. 13.

Mrs. Hannah Nolan, who said that she had worked sixteen years in a laundry, took up the fight for the bill. She declared that in the cotton mills, in Oakland, girls in their teens wore cloths over their hair to protect it from the lint, but that there was nothing to protect the lungs aginst lint. That was why the Anti-tuberculosis Societies had endorsed the Griffin bill. While speaking of the laundries, Mrs. Nolan said that the Eight-Hour Laundry of Sacramento and of other cities had been successful, in spite of the laundrymen's declaration that such a limited number of hours would prevent successful competition with the Chinese and Japanese.

Mrs. Sarah H. Dorr of the W.C.T.U. said that the 10,000 members of her organization in the state were for the measure. Mrs. Margaret Seaman spoke for 500 garment workers, and Mrs. Louise La Rue made a strong impression when she asserted that the average waitress walked ten miles a day and that the government would not allow an army mule to walk more than thirteen miles in the same time.* Colonel Harris Weinstock, a department store owner in San

*Arguments for the Griffin bill are very well summarized in Labor Clarion, February 3, 1911, p. 3.

Francisco, sent a letter which was read at the hearing. Much to the chagrin of the Griffin bill opponents, he asserted in his letter that he had not found an eight-hour rule a hardship on his business even in the Christmas season of the year.*

*Colonel Weinstock was at that time the vice-president of the California Consumers' League. The Consumers' League has always encouraged the enactment of progressive labor legislation.

On February the 27th the committee voted that the bill be reported back to the Senate with the recommendation that it do pass. The fight was continued on the floor of the Senate. When it came up for the third reading, after every delaying move had been exhausted, it was attempted five different times to make amendments to the bill. All of these attempts failed for not even a comma was changed. After seven separate roll calls, the Senate passed the measure by a vote of 34 to 5.

With the passage of the bill by the legislature the fight against it was transferred to the sphere of executive action. Governor Johnson listened attentively to all sides, reflected upon the situation, and then, on March 22, signed the bill.*

*Gov. Johnson's statement made at the time he approved the bill pleased organized labor very much. The message was often quoted in the current labor literature of that time. It is printed in Assembly Journal, March 27, 1911, p. 2562; also Labor Clarion, March 24, 1911, p. 8.

The new law* prohibited the employment of any female for

*Cal. Stats. 1911, Ch. 258.

more than eight hours in one day or more than forty-eight hours in one week in certain prescribed industries in California.*

*These industires were manufacturing, mechanical or mechantile establishments, laundries, hotels, restaurants, telegraph or telephone establishments, and express or transportation companies. The act was not to "affect the harvesting, curing, canning or

drying of any variety of perishable fruit or vegetable" as these industries had been made exempt by an amendment in the assembly Committee on Capital and Labor.

Employers were to provide suitable seats for their women workers, and were to permit them to use such seats when they were not engaged in the active duties of their employment. Violation of the law was held to be a misdemeanor and punishable by fine or imprisonment or both.*

*Sections 1 to 4.

The law became effective May 21, 1911. There had been no provision for its enforcement, but the Bureau of Labor Statistics assumed responsibility for its administration. Six thousand copies of the statute were printed and distributed to the employing public throughout the state.* Many of the employers heartily

*Report of the Bureau of Labor Statistics, 1912, p. 41.

cooperated with the law by introducing the eight-hour day even before the law went into effect.* There was strenuous opposition

*This was especially true of many employers in San Francisco who made the change on May Day. (Labor Clarion May 5, 1911, p. 8).

encountered, however, from the hotel proprietors, who claimed that the law was unconstitutional as it discriminated between employees in a hotel and those in a rooming or boarding house.*

*Report of the Bureau of Labor Statistics, 1912, p. 41.

The Eight-Hour Law in the Courts

The hotel proprietors lost no time in fighting the law in the courts of California. F. A. Miller, owner of a hotel in Riverside, was arrested for violating the eight-hour statute because of the employment of his head waitress for nine hours a day. Mr. Miller was convicted but he immediately appealed the case to the Superior Court of Riverside County. Judge F. E. Dinsmore, of this court held that the eight-hour law for women was constitutional except as to its provision regulating the hours of labor in hotels, which section was declared invalid. The decision was made June 10th and on June 12th the defendent was rearrested. He applied for a writ of habea corpus and the case was taken to the Supreme Court of California. On May 27, 1912, this body by a unanimous vote reversed the decision of the superior court by sustaining the provisions of the law as constitutional, and remanded Miller to custody.*

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*Ex Parte Miller, Sup. Ct. of Cal. 124 Pacific Reporter, p. 427.

Three grounds had been argued against the statute, first, that it was in violation of the constitutional guaranties as to freedom of contract; second, that it was special, not uniform, and discriminatory in its application; and third, that it embraced two distinct subjects, contrary to the provisions of the state constitution.

Judge Shaw, who delivered the opinion of the court answered the various contentions of the petitioner. In answer to the first contention, Judge Shaw stated that the right of contract was

subject to certain limitations which the state might lawfully impose on the exercise of its police power. The enforcement of the women's eight-hour law would tend to promote or preserve the general health and welfare of the people of the state and was thus a proper exercise of this police power.

It was held that the second contention, even if true, would not make the law invalid, but that "the law is not rendered special by the mere fact that it does not cover every subject which the legislature might conceivably have included in it."*

*Quoted from Ex Parte Martin, 157 Cal. 57, 106 Pac. 237.

Finally, Judge Shaw declared that the title embraced but one general subject -- the regulation of female employment. The subdivision of the subject by the particular details stated in its title did not make it embrace two subjects.*

*The opinion rendered by the court is given in detail in Report of the Bureau of Labor Statistics, 1912, pp.62-66; also, U. S. Bureau of Labor Statistics, Bulletin No. 112, March 5, 1913, pp. 108-113

The case was appealed to the United States Supreme Court on a writ of error but it was not until February 23, 1915, that a decision was handed down. Meanwhile, a new case was being carried up to the same court questioning the constitutionality of an amendment to the California eight-hour law which had been passed in 1913.* A petition was filed in the District Court of the United

*Cal. Stats. 1913, Ch. 325. The amendment brought public lodging houses, aprtment houses, hospitals (graduate nurses were to be exempt), and places of amusement within the scope of the act. It also provided that the Bureau of Labor Statistics should enforce the statute.

States, seeking to restrain the Labor Commissioner from enforcing the law against the Merritt Hospital of Oakland.* The complain-

*Bosley et al vs McLaughlin et al,

ants attacked the act on the grounds that it interfered with their liberty of contract, and denied to them the equal protection of the laws, contrary to the fourteenth amendment. In support it was asserted, in substance, that the labor in hospitals did not afford, in itself, a basis for classification; that there was no difference between such labor and the same kind of labor" performed elsewhere; that a hospital was not an unhealthful or unsanitary place; and generally, that the statute and its distinctions were arbitrary. The petition was denied and this case was appealed to the United States Supreme Court.

The hotel and hospital cases both came up together for hearing before the Supreme Court. Briefs were presented for the State by Louis Brandeis, William Denman and Attorney General Webb. On February 23, 1915, the court upheld the constitutionality of both the original and the amended law in a broad and sweeping decision written by Justic Hughes. The court declared that the same principles were at stake as in previous cases, notably the Oregon case, and that while"a limitation of the hours of labor of women might be pushed to a wholly indefensible extreme --- there is no ground for the conclusion here that the limit of reasonable exertion of protective authority has been overstepped".*

*Miller vs Wilson, 236 U.". 373, 35 Sup. Ct. 342.

Amendments to the Eight-Hour Law for Women.

In 1913 organized labor made a strenuous effort to secure an amendment to the law so that the hours of labor in the canneries would be regulated. A bill with such provisions was introduced in the Legislature but it failed to pass. There was too much opposition manifest from various parts of the state.* The

*San Francisco Chronicle, March 12, 1913, p. 3; Labor Clarion, February 7, 1913, p. 8.

women workers in the fruit industry had been led to believe that if they were to be restricted to an eight-hour day, Orientals then would step in and take over the work. Petitions and resolutions flooded the Legislature asking that the bill be killed.*

*Assembly Journal, January 25, O. 245; January 31, pp. 366-367; February 3, p. 453; March 11, p. 555; March 20, p. 778.

The law was amended in 1913 but was not to regulate the canning industry.*

*For the provisions of this amendment see page __

In 1917 the eight-hour law was weakened slightly by an amendment which excluded the fish drying, canning and curing from its provisions.*

*Cal. Stats. 1917, Ch. 582.

The Labor Commissioner reported in 1918 that some women were voluntarily violating the spirit of the law by working for two employers. "For instance" it was stated, "an employee might work eight hours in a candy factory during the day and then work for another employer in the same industry for three or four hours during the evening."* This defect in the law, which allowed a woman

*Report of the Bureau of Labor Statistics, 1918, p. 25.

to work more than eight hours a day, provided she was working for two employers, was removed by an amendment in 1919.* The same

*Cal. Stats. 1919, Ch. 248.

amendment stated that females operating elevators in office building should be included within the provisions of the eight-hour law.

A wide-spread attack was made on the law during the 1921 session of the Legislature. Two bills opposed by Labor were aimed at the eight-hour statute. One measure (Assembly bill 1088) introduced by Parkinson of Stockton, was not unjustly described as virtually repealing the law of 1911. Neither bill, however, got farther than the Committee on Capital and Labor.*

*Labor Clarion, July 27, 1923.

Upon the recommendation of the commissioner of labor* the

*See report of 1926, p. 28.

enforcement of the law was facilitated by an amendment passed in 1929. It was made compulsory on the part of employers to keep accurate records, accessible at all times to the enforcement officers, showing the names and actual working hours of all female employees.* Another amendment made the same year placed

*Cal. Stats. 1929, Ch. 286.

female employment in barber shops under the act.*

*Cal. Stats. 1929, Ch. 266.

Enforcement of the Eight-Hour Law for Women.

The law is not enforced perfectly. The labor commissioner and his deputies are perhaps doing all they can, however, to see that the eight-hour day is observed. The commissioner's office has many other duties and the appropriations to carry on the work are limited.

Places of employment in which the law was alleged to have been violated most frequently during the year of 1928 were, in the order named, as follows:*

1. Restaurants.
2. Hotels, apartments and boarding houses.
3. Drygoods and clothing stores.
4. Laundries.
5. Groceries and markets.
6. Hospitals and sanitariums.
7. Manufacturing establishments.
8. Candy and confectionery shops.

*Report of the Bureau of Labor Statistics, 1928, p. 47.

The number of compaints of violations of the law received and investigated by the Bureau from 1913 to 1928, by years, is given in the accompanying table. The increase in the number of

Table I

Fiscal Year	Number of Complaints
1913	470
1914	682
1915	623
1916	622
1917	569
1918	581
1919	600
1920	594
1921	390
1922	480
1923	592
1924	555
1925	603
1926	740
1927	931
1928	1,070
Total	10,102

Source: Report of the Bureau of Labor Statistics, 1928, p, 47 (Firgures for 1929-1930 were not available)

complaints during recent years is largely because of the industrial development and population growth of the state.

Many women in California are employed for longer than eight hours per day because they work in industires which are not covered by the eight-hour law. The writer ventures to state that, in his judgement, the statute should be changed so that it would regulate the hours of labor of females in all gainful occupations. It is especially needful to extend the benefits of the law to women employed in offices, banks and insurance companies since the Attorney General has decided that they are excluded from the present act.

Attempts to obtain a General Eight-Hour Law.

Organized labor has tried several times to persuade the California Legislature to pass a general eight-hour law.*

*For early attempts see Eaves, Lucile, History of California Labor Legislation, Chapter VII.

At the convention of the California State Federation of Labor in 1912 two resolutions were adopted pertaining to a general eight-hour statute. It was believed by organized labor that an eight-hour day would do away with unemployment. The delegates at the convention pledged to work for such a law during the next legislative session.* The Socialists had been agitating for an eight-

*Proceedings of the 13th Annual Convention of the California State Federation of Labor, Oct. 7-12, 1912, pp.40-41.

hour day for years and it was the Socialist Assemblyman Kingsley who introduced an eight-hour measure (A.B. 31) in the 1913 Legislature. Arguments in the committee, both as to the provisions of the bill and as to its constitutionality, however, were madeby trade-unionists. A petition approving the Kingsley bill was circulated throughout the state. It was signed by 90,000 people and then forwarded to the Legislature.*

*Assembly Journal, May 7, 1913, p. 2646.

Labor leaders soon realized, however, that the bill would not be supported by a majority of the legislators. The measure did ### pass in the Assembly only to be voted down by the Senate.*

*Final Calendar of the Legislature, 1913

The workers of California were undaunted by their failure of 1912. The following year they placed upon the ballot, by the Initiative, a proposed law (Proposed Constitutional Amendment No. 3) to limit the hours of labor to eight in each day, except in cases of extra-ordinary emergency such as fire, flood, or danger to life or property.* The initiative proposal was endorsed by the

*Proceedings of the 15th Annual Convention of the Cal. State Fed. of Labor, Oct. 5-9, 1914, p. 31.

San Francisco Labor Council, the State Federation of Labor and the Socialist Party of California.* Arguments for the measure

*Coast Seamen's Journal, April 29, 1914, p. 8.

were written by Thomas W. Williams and printed in the leading labor journals.

The Commonwealth Club of San Francisco decided to investigate the subject of the general eight-hour law and, accordingly, held a meeting on July 8, 1914, at which arguments for and aginst adoption of the proposed measure were presented. A. W. Brouillet, at that time Vice-President and Attorney of the State Federation of Labor, and James W. Mullen, present Editor of the Labor Clarion, gave talks supporting the eight-hour day. Those who talked against the measure were Charles H. Bentley for the industrial employers and G. H. Hecke for the farmers. The speeches were printed and circulated throughout the state.*

*"The Eight-Hour Law", Transactions of the Commonwealth Club of California, August 1914, pp. 417-468

Most of the newspapers of the state condemned the initiative proposal as being Socialistic and impractical but organized labor was quite confident of success at the polls.*

*Coast Seamen's Journal, August 5 and 26, 1914.

Governor Johnson asked the Attorney General's opinion regarding the constitutionality of the proposal. Mr. Webb, the Attorney General, in a fifty page review of previous court decisions, decided that "even if adopted by the electors at the November election, the eight-hour amendment would be unconstituional".*

*Webb, U. S., Opinion of Attorney General of California relating to Eight Hour Law, Sept. 7, 1914, pp. 1-50.

After election day it was found that of all the forty-eight measures on the ballot the eight hour proposal had received the largest "no" vote. The official returns showed 282,692 votes in favor and 560,881 votes against the measure.*

*Coast Seamen's Journal, December 23, 1914, p. 6

About this time the American Federation of Labor went on record as being opposed to the agitation for a general eight-hour day by legal enactment. Mr. Gompers argued that while an eight-hour law in principle was a desirable thing, it seemed as if there were too many conflicting interests affected to enable wage workers to achieve it successfully by means other than economic organization. Not until after another failure had been encountered however, in the legislature of 1915 did organized labor of California decide to follow the advice of Mr. Gompers.* Since 1915 the

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*Proceedings of the 16th Annual Convention of the California State Federation of Labor, Oct. 4-8, 1915, p. 107.

State Federation of Labor has not endorsed proposed legislation for the general eight-hour day. The Socialists have continued to agitate but it seems hardly probable that a universal eight-hour day will come by legal enactment -- at least, not until public opinion greatly changes.

Laws Restricting Hours in Certain Occupations.*

*Occupations protected by laws regulating the hours of labor which were passed prior to 1909 are the following: The street railway workers, a 12 hour law passed in 1887; the policemen, an 8 hour law passed in 1903; and the drug clerks, a 60 hour week given to them in 1905. (Eaves, Lucile, History of California Labor Legislation, p. 224.)

Organized labor succeeded in obtaining an eight hour law for underground mine and smelter workers in 1909.* Some of the mine-owners strenuously objected to the passage of this act.*

*Cal. Stats. 1909, Ch. 181.

They believed that they would be unable to compete with mine-owners of other states should the eight-hour day be forced upon them. The fears of these employers, however, were unfounded. Although the men now labor eight hours as compared with ten hours previously, they seem to accomplish as much work as ever for their employers.

The constitutionality of the miners' law was upheld by the Supreme Court of California in 1909.* The court decided, however,

*Ex parte Martin 157 Cal 51, 106 Pac Rep. 235.

that "It may be questioned whether, in view of the title of the act, the limitation of hours applies to all underground work or only that performed in mines."; consequently, a new law, with a complete title, was passed in 1913.*

*Cal. Stats. 1913, Ch. 186.
The new title reads, "An act regulating the hours of employment underground mines, underground workings, whether for the prupose of tunneling, making excavations or to accomplish any other purpose or design, or in smelting and reduction wor ks".

The miners' eight-hour law has not been changed since 1913. It is successfully enforced by the Bureau of Labor Statistics.

The trainmen and telegraph dispatchers succeeded in obtaining some protection against long hours by a statute enacted in 1911.* The law provides that the maximum working period be

*Cal. Stats. 1911, Ch. 484. A minor amendment was made in 1913. (Cal. Stats. 1913, Ch.226.)

restricted to sixteen consecutive hours, and that trainmen and telegraph dispatchers must have at least eight consecutive hours, out of the twenty-four, off duty. There are a number of exemptions from the provisions of the act. It does not apply to wrecking or relief trains or to times when delay or accidents has been unavoidable.*

*The Adamson Eight Hour Law passed by Congress in 1916 (U.S. Laws 1916 Ch. 436) has made the California law relatively unimportant.

In 1919 a bill providing for a ten hour day for domestic servants was passed by the Legislature, but it was vetoed by Governor Stephens.* Organized labor severely criticized the

*Senate Bill 88 (Final Calendar of the Legislature, 1919, p. 50.

Governor for this veto.*

*Domestic Servant Bill", Labor Clarion, June 6, 1919, p.16.

Hours of Labor on Public Works.

Section 653c of the Penal Code restricts the hours of labor of employees on public works to eight per day, except in cases of extraordinary emergency. Contractors on public works are included within the provisions of the law; the penalty for violation being ten dollars for each day per laborer who is employed overtime.*

*Cal. Stats. 1905, p. 666.
A discussion of this law is found in Eaves, Lucile, History of California Labor Legislation, pp. 221-224.

The constitutionality of the law has not been questioned since a similiar law in Kansas was upheld by the United States Supreme Court.*

*Atkin vs Kansas, 191, U.S. 207, 24 Sup. Ct. 124 (1903)

Prior to 1927 the Bureau of Labor Statistics experienced difficulty in enforcing the provisions of the act. Contractors would work their men overtime and explain, if questioned by saying that the extra labor was necessary because of an emergency. It was often impossible to prove that there had been a violation of the eight-hour statute. To aid in enforcement the 1927 Legislature amended Section 653c of the Penal Code to make it obligatory upon any contractor doing public work to file with the

proper authorities a verified report on all cases of overtime worked, showing the nature of the extraordinary emergency which caused the overtime. Failure to file a report was to be prima facie evidence that no extraordinary emergency had existed.*

*Cal. Stats. 1927, Ch. 257.

Soon after the eight-hour law on public works had first been passed, the Appellate Court held that the statute did not include work which was paid for directly by property owners whose property abuted on public improvements.* Much street work was done by contractors*, therefore, who used a ten-hour day, inasmuch as, they were exempt from the penalties of the law. It was believed that the intention of the law-makers had been to fix an eight-hour day on all public works. The Commissioner of Labor recommended several times that the act be amended to apply to all works whether the same be paid for out of public treasuries or assessed against property owners or by bond issues. Not until 1929 was the recommendation carried out. In that year the desired amendment was passed by the Legislature.*

*Cal. Stats. 1929, Ch. 793.
The amendment reads, "Work done for irrigation, utility, reclamation and improvement districts, and other districts of this type, as well as street, sewer or other improvement work done under the direction and supervision of the state, or of any political sub-division or district thereof .. shall be held to come under the provisions of this section; provided, however, that nothing in this section shall apply to the operation of the irrigation or drainage system of any irrigation or reclamation district."

Sunday Closing Legislation.

California has no Sunday Closing law. In 1917 the Legislature amended the Political Code by making Sunday a legal holiday, but the law does not prohibit gainful employment on that day.*

*Cal. Stats. 1917, Ch. 19.

There was an act passed in 1893 declaring that "every person employed in any occupation of labor shall be entitled to one day of rest therefrom in seven...provided, however, that the act shall not apply to any case of emergency".* The law has proven

*Cal. Stats. 1893, p. 54.

to be practically worthless because of the nullifying effects of the emergency clause.* The early court decisions, also were

*See Report of the Bureau of Labor Statistics, 1928, p. 30.

against the statute. In Several Superior Court cases it was declared unconstitutional.* Confidence was restored in the legal-

*Eaves, Lucile, History of California Labor Legislation, p. 333.

ity of such legislation, however, when the New York Court of appeals, in 1905, upheld a one-day-of-rest-in-seven law in that state.* In 1918 the California Supreme Court went even farther

*People vs Klinick Packing Co., 214 N.Y. 121, 108 N.E. 278 (1915).

than the New York court by deciding that a law closing places of business on Sunday was constitutional and that the legislative bodies were to decide what it was reasonable to close.*

*Ex Parte Sumida, 177 Cal 388, 170 Pac 823 (1918)
The case involved a Sunday closing ordinance of the town of Fowler, California. (See Labor Clarion, Nov.12, 1920.)

The bakers have tried for years to get a Sunday closing law. Conditions have been particularly oppressive in this trade because of the long hours during every day of this week. In 1913 the bakers made a special attempt to obtain protection against Sunday employment but they were unsuccessful.*

*The following petition is a sample of the many which flooded the legislature at that time:

"Organized Bakers of San Francisco request the passage of the Kehote-Benedict bill without amendment.
The ones who furnish you with the staff of life appeal to you for help.
The unorganized (Latin) bakers know no rest day. When canal traffic begins this class will rapidly increase.
We claim the right to sit down on Sunday with our families and neighbors and eath the bread and cake we bake for you on Saturday. And some of our carft will gladly partake of the break of life in the house of worship." (Assembly Journal, January 27, 1913, p. 263.)

It has been the barbers, however, who have tried hardest to get a Sunday closing law. They succeeded in obtaining an act in 1895 prohibiting the labor of barbers on Sundays and holidays after twelve o'clock noon, but the law was promptly declared unconstitutional because it was held to be class legislation.*

*Ex Parte Jentzsche, 112 Ca. 468, 44 Pac. 803 (1896).

Since 1910 the barbers have sponsored and worked for the passage of bills in every session of the Legislature, and usually they have placed initiative proposals on the ballots to be voted upon by the people at election times, but always the proposals have been voted down.

One reason why Sunday closing legislation has failed in California is that the people feel that it would be needless interference on the part of the state. It is contended that such legislation would be a backward step because it would join the church and state. A number of religious bodies have been active in opposing all Sunday laws because they worship on some other day than Sunday.*

*This has been especially true of the Jews and Seventh Day Adventists. (See petitions in the Journals of the Legislature, 1913-1929

Perhaps the most practical thing to do in California would be to work for the repeal of the emergency clause of the law of 1893. There would then be a statute of unquestioned validity and, if enforced, there would be insured to each worker at least one day of rest in seven.

The net results of efforts to limit hours of labor by statute in California may be summarized as follows:

Since 1911 California has had an eight-hour law for women. Although the law does not cover all industires, it is perhaps as comprehensive as any other similiar statute in other states of the union. The act is administered by the Bureau of Labor Statistics and is enforced as well as the time and means of the Bureau will permit. The validity of the law has been sustained by the United

The hours in certain special occupations have received regulation in California. The laborers on public works and the miners both have an eight-hour law. Other occupations receiving some protection are the trainment and the drug clerks.