

June 19, 1906.
[H. R. 18330.]

[Public, No. 247.]

United States courts—
Clinton County,
Iowa, transferred from
northern to southern
district.
R. S., sec. 537, p. 90,
amended.
Vol. 22, p. 172.

Civil process.

Cases to be tried at
Davenport.

Proviso.
Pending cases not
affected.

CHAP. 3437.—An Act Transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Clinton, in the State of Iowa, be, and the same is hereby, transferred from the northern judicial district of the United States circuit and district courts for the State of Iowa to the southern judicial district of the United States circuit and district courts of the said State of Iowa, and that the said county of Clinton be, and the same is hereby, made a part of the Davenport division of the said southern judicial district of Iowa.

SEC. 2. That all civil process issued against persons resident in the said county of Clinton and cognizable before the United States courts shall be made returnable to the courts, respectively, to be held at the city of Davenport, Iowa, and all prosecutions for offenses committed in said county of Clinton shall be tried in the appropriate United States courts at the city of Davenport, Iowa: *Provided,* That no process issued or prosecution commenced or suit instituted before the passage of this Act shall be in any way affected by the provisions hereof, but the same shall be proceeded with and tried in the said northern district.

Approved, June 19, 1906.

June 19, 1906.
[H. R. 19642.]

[Public, No. 248.]

District of Columbia.
Employment agencies.
Regulation of, where
fees are charged.
Definitions.

CHAP. 3438.—An Act To regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS.

That the term person, used in this and subsequent sections of this Act, means also a corporation, partnership, company, or association. The term employment agent or agency means any person who procures, offers to procure, promises to procure, attempts to procure, or aids in procuring, either directly or indirectly, help or employment for another, where any fee, remuneration, profit, or any consideration of any nature whatsoever is promised, paid, or is received therefor, either directly or indirectly. The term fee means every form or nature of fee, remuneration, profit, or consideration promised, paid, or received, directly or indirectly, for any service of whatsoever nature performed, offered to be performed, or promised to be performed by such employment agencies. The term applicant shall mean any person seeking work, employment, or engagement of any legal character. The term applicant for help shall mean any person or persons seeking help, employees, or performers in any legitimate enterprise.

LICENSES.

Licenses.

SEC. 2. That no person shall conduct, temporarily or otherwise, any employment agency or perform any of the acts authorized to be performed by an employment agency in the District of Columbia without procuring a license from the Commissioners of the District of Columbia as herein provided.

APPLICATION FOR LICENSE.

Applications for.

SEC. 3. That an application for a license must be made in writing in the form prescribed by the Commissioners of the District of Colum-

bia, and may be made at any time, and every license shall date from the first day of the month in which it is issued and shall expire on the thirty-first day of October following its issue, unless sooner revoked. Every application for such license shall contain the full name of the applicant therefor, together with his place of residence by street and number if so designated. If the applicant is a corporation, the application must specify the names and like addresses of the president, treasurer, and secretary thereof, or other officers performing corresponding duties and under different names; and the said Commissioners may, in their discretion, require the names and like addresses of all the officers, including the directors, of any corporate applicant for a license. If the applicant is a partnership or unincorporated association, the names and like addresses of all the members thereof must be specified in the application. The application must be subscribed by the applicant or applicants therefor, if natural persons, and if a corporation in the corporate name, by the president or chief officer thereof, attested by the secretary or assistant secretary, with the corporate seal attached, and each application must be acknowledged. Each application must state that the applicant or applicants is or are the person or persons who have the sole beneficial interest in the business established or to be established under said license, and also the place, by street and number and such other description as the Commissioners of the District of Columbia may determine, where it is proposed to conduct such employment agency. The said Commissioners may refuse to receive any application for such license which does not meet the requirements of this section. The Commissioners of the District of Columbia must be satisfied that the applicant is a person of good general character, or, if a corporation, that the officers thereof and those under whose direction the business of the employment agency is to be carried on are persons of good general character, and may for that purpose require any other statements to be made in the application for the license or otherwise which said Commissioners deem necessary. A license fee of twenty-five dollars shall be paid annually, which sum shall accompany each application for a license, which fee shall be returned if the license is not granted. Every application for a license shall be filed not less than one week prior to the granting thereof, and notice thereof shall be posted in the office of the assessor of said District, and a written protest may be made by any person against the granting of such license; and if said protest is made, the said Commissioners shall give a public hearing before a determination is made upon such application. Any person who conducts or intends to conduct a lodging house, separate and apart from such employment agency, shall not be granted a license unless the fact of conducting such lodging house is set forth in the application, which fact shall also be designated in the certificate of such license. The said Commissioners shall have power to reject any application for license and also to revoke any license for violation of or noncompliance with any of the provisions of this Act in addition to any other penalty in this Act provided.

Character of applicant.

Fee.

Lodging houses.

Rejection of applications.

BOND.

SEC. 4. That each application for a license shall be accompanied by a bond, in due form, to the District of Columbia in the penal sum of one thousand dollars, with two or more sufficient sureties, who may be required to justify, and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions or requirements of this Act and the Act of Congress approved August first, eighteen hundred and ninety-two (Twenty-seventh Statutes, page three hundred and forty), commonly known as the labor law. The execution of any

Bon:

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such bond by fidelity or surety company authorized by the laws of the United States to transact business therein shall be equivalent to the execution thereof by two sureties, and such company, if excepted to, shall justify in the manner required by law of fidelity and surety companies. If any person shall be aggrieved by the misconduct of any such licensed person and shall recover judgment against him therefor, such person may, after the return unsatisfied either in whole or in part of any execution issued upon such judgment, maintain an action in his own name, upon the bond of such employment agency, in any court having jurisdiction of the amount claimed. The Commissioners of the District of Columbia shall furnish to anyone applying therefor a certified copy of any such bond filed in their office upon the payment of a fee of twenty-five cents, and such certified copy shall be prima facie evidence in any court that such bond was duly executed and delivered by the persons or corporations whose names appear thereon.

LICENSE CERTIFICATE.

License certificates. SEC. 5. That every license certificate shall contain the names of the persons licensed and a designation of the city, street, number, and floor of the house in which the person licensed is authorized to conduct such employment agency, and the number and the date of its issuance. Such license shall not be used to protect any other than the person to whom it is issued nor any place other than that designated in the certificate, and shall not be transferred or assigned to any other person. Every licensed person shall post in a conspicuous place in such agency the license certificate.

PROHIBITIONS.

Restrictions. SEC. 6. That no such agency shall be located in rooms used for living purposes, or in rooms where boarders or lodgers are kept or where meals are served, or persons sleep, or in the building or on premises, or in connection with a building or on premises, or in connection with a building or premises where intoxicating liquors are sold to be consumed on the premises, except that no one shall be precluded from keeping an employment agency in an office building by reason of there being a café or restaurant in another part of said building. No such licensed person shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever in violation of any compulsory-education or child-labor laws.

Child labor.

REGISTER—REFERENCES.

Registration of applications.
Exceptions. SEC. 7. That it shall be the duty of every such licensed person, except those conducting theatrical agencies, teachers' agencies, or agencies for the employment of vaudeville performers, or nurses' registries, or agencies for the procuring of technical, clerical, sales, or executive positions for men only, to keep a register, approved by the Commissioners, in which shall be entered, in the English language, the date of the application for employment, the name and address of the applicant to whom employment is promised or offered, the amount of the fee received, and, whenever possible, the names and addresses of former employers or persons to whom such applicant is known. Such licensed person, except those above specified in this section, shall also enter in a separate register, approved by the Commissioners of the District of Columbia, in the English language, the name and

address of every applicant accepted for help, the date of such application, kind of help requested, the names of the persons sent, with the designation of the one employed, and the amount of the fee received. The aforesaid registers of applicants for employment and for help shall be open during office hours to inspection by the said Commissioners or their agents. No such licensed person, his agent or employees, shall make any false entry in such registers. It shall be the duty of every licensed person, whenever possible, to communicate orally or in writing with at least one of the persons mentioned as references for every applicant for work in private families or employed in a fiduciary capacity, and the result of such investigation shall be kept on file in such agency: *Provided*, That if the applicant for help voluntarily waives in writing such investigation of references by the licensed person, failure on the part of the licensed person to make such investigation shall not be deemed a violation of this Act. Every licensed person exempted from the provisions of this section as to the keeping of registers shall keep accurate records in the English language of all persons to whom work is promised or offered, or from whom a fee is taken, and of all persons from whom an application for an employee is accepted, together with the date of the engagement, and the amount of the fee received.

False entries prohibited.
Investigation of references.

Proviso.
Waiver of investigation by employer.

FEEES—RECEIPTS.

SEC. 8. That the fees charged for the employment of agricultural hands, coachmen, grooms, hostlers, seamstresses, cooks, waiters, waitresses, scrubwomen, nurses (except professional nurses), chambermaids, maids of all work, domestics, servants, or other laborers (except seamen), or for the purpose of procuring or giving information concerning such person for or to employers, shall be as follows:

Fees.

Employment agents or agencies shall be entitled to receive in advance from an employer—

For male or female employees, one dollar each.

Amount.

Employment agents or agencies shall be entitled to receive in advance from the applicant for work or employment, either male or female, one dollar each, one-half of which is to be returned on demand if such applicant is not secured a fair opportunity for employment within four days after the receipt of said original fee of one dollar: *Provided*, That the whole fee and any sums paid by the applicant for transportation in going to and returning from such employer shall be refunded within four days of demand, if no employment of the kind applied for was vacant at the place to which the applicant was directed: *And provided further*, That it shall be unlawful for any employment agent or agency to receive more than the fees set forth in this Act in the business aforesaid.

Return of one-half of fee.

Provisos.
Refund.

Restriction.

It shall be the duty of such licensed person to give to every applicant for employment from whom a fee shall be received a receipt in which shall be stated the name of said applicant, the date and amount of the fee, and the purpose for which it was paid, and to every applicant for help a receipt stating the name and address of said applicant, the date and amount of the fee, and the kind of help to be provided. Every such receipt, excepting only those given by theatrical and teachers' agencies and those procuring technical, clerical, sales, and executive positions for men only, shall have printed on the back thereof a copy of this section in the English language. No such licensed person shall divide fees with contractors or their agents or other employers or anyone in their employ to whom applicants for employment are sent. Every such licensed person shall give to each applicant for employment a card or printed paper containing the name of the applicant, name and

Receipts.

Division of fees prohibited.

address of such employment agency, and the written name and address of the person to whom the applicant is sent for employment. Every such licensed person shall post in a conspicuous place in each room of such agency a plain and legible copy of this Act, which shall be printed in large type.

EMPLOYMENT CONTRACT.

Employment con-
tracts.

SEC. 9. That no such person shall induce or attempt to induce any domestic employee to leave his employment with a view to obtaining other employment through such agency. Whenever any licensed person, or any other acting for him, agrees to send one or more persons to work as contract laborers in any one place outside the city in which such agency is located, the said licensed person shall give to the applicant for employment, in writing, the name and address of the employer, name and address of the employee, nature of the work to be performed, wages offered, destination of the person employed, and terms of transportation.

CHARACTER OF EMPLOYER—FRAUD.

Employment for im-
moral, etc., purposes
prohibited.

SEC. 10. That no such licensed person shall send, or cause to be sent, any female as a servant or inmate or performer to enter any place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purpose of prostitution, or gambling house, the character of which such licensed person could have ascertained upon reasonable inquiry. No such licensed person shall knowingly permit any person of bad character, prostitutes, gamblers, intoxicated persons, or procurers to frequent such agency. No such person shall procure or offer to procure help or employment in rooms or on premises where intoxicating liquors are sold to be consumed on the premises, whether or not dues or a fee or privilege is exacted, charged, or received directly or indirectly: *Provided*, That proprietors of barrooms shall have the right to employ bartenders through employment agents or agencies, and bartenders shall have the right to procure employment in barrooms through such agents or agencies: *And provided further*, That it shall be unlawful for employment agents or agencies to send applicants for employment to employers other than those who have applied to such agents or agencies for help or labor. For the violation of any of the foregoing provisions of this section the penalty shall be a fine of not more than two hundred dollars and in default in payment thereof by imprisonment in the workhouse for a period of not more than one year, or both, at the discretion of the court. No such licensed person shall publish or cause to be published any false or fraudulent or misleading notice or advertisement. All advertisements of such employment agency by means of cards, circulars, or signs, and in newspapers and other publications, and all letter heads, receipts, and blanks shall contain the name and address of such employment agency, and no such licensed person shall give any false information, or make any false promise or false representation concerning employment to any applicant who shall register for employment or help.

Provisos.
Bartenders.

Unsolicited appli-
cants.

Penalty for viola-
tion.

Advertisements.

ENFORCEMENT.

Enforcement of the
law.

SEC. 11. That the enforcement of this Act shall be intrusted to the Commissioners of the District of Columbia. Complaints against any such licensed persons shall be made orally or in writing to the said Commissioners, and reasonable notice thereof, not less than one day, shall be given in writing to said licensed person by serving upon him

a concise statement of the facts constituting the complaint, and a hearing shall be had before the said Commissioners within one week from the date of the filing of the complaint, and no adjournment shall be taken for a period longer than one week. A daily calendar of all hearings shall be kept by the said Commissioners and shall be posted in a conspicuous place in their public office for at least one day before the date of such hearings. The said Commissioners shall render their decision within eight days from the time the matter is finally submitted to them. Said Commissioners of the District of Columbia shall keep a record of all such complaints and hearings. The said Commissioners may refuse to issue and shall revoke any license for any good cause shown, within the meaning and purpose of this Act, and when it is shown to their satisfaction that any licensed person, either before or after conviction, is guilty of any illegal act in connection with the conduct of said business or in violation of this law it shall be the duty of the said Commissioners to revoke the license of such person; but notice of the charges shall be presented and reasonable opportunity shall be given said licensed person to be heard in his defense. Whenever for any cause such license is revoked, said Commissioners shall not issue another license to said licensed person until the expiration of at least six months from the date of revocation of such license. The said Commissioners shall cause the corporation counsel to institute criminal proceedings for the enforcement of this Act before any court of competent jurisdiction.

Hearings.

Decisions.

Revocation of licenses, etc.

Post, p. 848.

REPEALING.

SEC. 12. That all Acts or parts of Acts relating to employment agencies inconsistent with this Act are hereby repealed.

Repeal.

SEC. 13. That this Act shall take effect from and after its passage.

Effect.

Approved, June 19, 1906.

CHAP. 3441.—An Act To ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii.

June 20, 1906.

[S. 4184.]

[Public, No. 249.]

Whereas the legislature of the Territory of Hawaii did, by an act duly passed at the nineteen hundred and five session thereof, authorize the Standard Telephone Company (Limited) to construct, maintain, and operate a telephone system on the island of Oahu, Territory of Hawaii, and which said act was approved by the governor of said Territory on the twenty-sixth day of April, nineteen hundred and five; and

Preamble.

Whereas the Act of Congress to provide a government for the Territory of Hawaii, approved April thirtieth, nineteen hundred, provides that the legislature of the Territory of Hawaii shall not grant to any corporation, association, or individual any special privilege or franchise without the approval of the Congress of the United States: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of the legislature of the Territory of Hawaii entitled "An act to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii, by the Standard Telephone Company (Limited)," approved by the governor of the Territory April

Hawaii. Telephone franchise. Act of legislature granting, island of Oahu, ratified, etc.