

Opinion No. 186**Labor—Hours of Labor—Sugar Refineries—Refineries.**

HELD: Sec. 1, Ch. 90, Laws 1933, limiting the hours of labor in and about sugar refineries is a valid exercise of the police power and does not violate any express provision of the Constitution.

April 28, 1933.

We have carefully read your letter of the 24th inst. regarding section 1 of Chapter 90, Laws of 1933, and entirely agree with the conclusion you have reached, namely, that the statute is valid.

Courts generally recognize the rights of the law-making body to pass measures, under the police powers of the state, limiting the hours of labor in certain industries. Such legislation has for its object the protection of the health, or the promotion of the safety, or both, of the employee, and the humane feeling and economic interest back of it are altogether laudable. As was well said by a distinguished jurist some years ago:

"The dangers to a man while working should be reduced to a minimum; the conditions under which he labors, so far as possible should be conducive to health and comfort. Intensive work of either mind or body, or both, should not be continued beyond his powers." (Court of Industrial Relations v. Chas. Wolff P. Co., 201 Pac. 418; State v. Livingston Concrete etc. Mfg. Co., 34 Mont. 570; Commonwealth v. Riley, 97 N. E. 367, Ann. Cas. 1912D 388; Holcombe v. Creamer, 120 N. E. 354; In re Boyce, 75 Pac. 1, 1 Ann. Cas. 66; note to State v. Barba, Ann. Cas. 1914D, at p. 1263; 12 C. J. 926, 927, 6 R. C. L. 211.)

The Act under consideration prescribes that a period of not to exceed eight hours shall constitute a day's work not only **in** but **about** a sugar refinery. It applies, therefore, with equal force to those employed about and to those employed in such a refinery during the period of operation. According to Webster's New International Dictionary "about" means near, not far from, in the immediate vicinity of, in contiguity or proximity to. See, also, the second, third and fourth series of Words and Phrases for the meaning and application of the phrase "in or about."

Section 30 of Article III of the Constitution, which you cite, is found in the Bill of Rights and reserves to the people themselves, as distinguished from the legislative assembly, rights in addition to those expressly enumerated in the fundamental law.